

15 SEPTEMBER 1947

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1                   Monday, 15 September 1947  
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5                   INTERNATIONAL MILITARY TRIBUNAL  
6                   FOR THE FAR EAST  
7                   Court House of the Tribunal  
8                   War Ministry Building  
9                   Tokyo, Japan  
10  
11  
12                  The Tribunal met, pursuant to adjournment,  
13                  at 0930.  
14                  - - -  
15                  Appearances:  
16                  For the Tribunal, all Members sitting, with  
17                  the exception of: HONORABLE JUSTICE R. B. PAL, Member  
18                  from India, not sitting from 0930 to 1600.  
19                  For the Prosecution Section, same as before.  
20                  For the Defense Section, same as before.  
21                  - - -  
22                  (English to Japanese and Japanese  
23                  to English interpretation was made by the  
24                  Language Section, IMTTFE.)  
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1            MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3            THE PRESIDENT: Mr. Comyns Carr.  
4            - - -  
5            S A D A O   A R A K I, an accused, resumed the stand  
6            and testified through Japanese interpreters as  
7            follows:  
8            CROSS-EXAMINATION  
9            BY MR. COMYNS CARR (Continued):  
10          Q   General ARAKI, just one further question about  
11          Jehol. You had said on two occasions that the entry into  
12          Jehol was done under the Japanese-Manchoukuo Pact of the  
13          15th of September, 1932. Is that your view?  
14          A   Yes.  
15          Q   But, you told us before that it had been decided  
16          as early as December, 1931, soon after you entered the  
17          cabinet, that Jehol was to be included in the area of  
18          operations; did you not?  
19          A   That is not so. The policy laid down at the  
20          beginning of the INUKAI Cabinet was that --  
21          THE MONITOR: Japanese court reporter.  
22          (Whereupon, the last answer was read  
23          by the Japanese court reporter.)  
24          THE INTERPRETER: Since it was not definite  
25          who was to carry things out, no one could tell how far

1 the Army would go.

2 (Whereupon, the monitor spoke to the  
3 witness in Japanese.)

4 THE INTERPRETER: Correction: Since no one  
5 would know who the opponent was to be in the Chinese  
6 Army, no one could tell how far the Japanese Army would  
7 be able to go.

8 A (Continuing) Therefore, since the person  
9 responsible for the unsettled state of affairs in Man-  
10 churia was Chang Hsueh-liang, we must settle accounts  
11 with him. Then, naturally, the problem came up as to  
12 how far the authority of Chang Hsueh-liang extended,  
13 and since at that time his authority extended to Jehol,  
14 that's what we decided on. But, since our real desire  
15 was not in the use of armed force, the desire of the --  
16 even the desires of the INUKAI Cabinet was to settle  
17 things peacefully in as short a time as possible. That  
18 was the main outline of the policy laid down when the  
19 INUKAI Cabinet was established.

20 MR. COMYNS CARR: I refer the Tribunal to  
21 exhibit 3162 in connection with that answer.

22 Q Did not the operations against Jehol actually  
23 begin in July, 1932, and were they not continued in  
24 August, 1932?

25 A No, that is not so.

1           Q Now, you told me on Friday, just before the  
2 adjournment, that you had not heard even a rumor of  
3 the atrocities of the Japanese Army at Nanking. Do  
4 you really mean that?

5           A At the time I had heard nothing whatsoever  
6 about the so-called Incident.

7           Q When did you first hear about it?

8           A The first time I heard of this Incident was  
9 when testimony on it was given before this Tribunal, but  
10 when I replied on Friday, I said that I was not yet sure  
11 whether they were actually the facts.

12          Q As a cabinet adviser, did you not see the  
13 reports which came from the Japanese Consulate-General  
14 in Nanking?

15          A Cabinet advisers were not shown such documents.

16          Q Did you not know that officers were sent out  
17 to Nanking to investigate the matter?

18          THE MONITOR: Mr. Comyns Carr, is that civilian  
19 officers or military officers?

20          MR. COMYNS CARR: Military officers.

21          A I do not know anything whatsoever about that.

22          Q Do you not read the newspapers?

23          A Yes, I do read the newspapers.

24          Q Do you read foreign newspapers as well as  
25 Japanese newspapers?

1           A    No, I do not read foreign newspapers.

2           Q    Did not the Japanese newspapers contain  
3         accounts of the achievements of the Japanese soldiers  
4         in massacring Chinese?

5           A    I have never seen such accounts.

6           Q    Did you not know that General MATSUI was re-  
7         called in February , 1938 and replaced by General HATA.

8           A    I know he was replaced. I do not know anything  
9         about the circumstances.

10          Q    Did you not inquire into the reasons?

11          A    No.

12          A    Now, you have told us that you did know that  
13         on the 16th of January, 1938, the KONOYE Cabinet decided  
14         to have no further negotiations with Chiang Kai-shek.

15          A    I do know that.

16          Q    And that, as I understand from your affidavit,  
17         was entirely contrary to your own policy; was it not?

18          A    At the time this statement was announced, all  
19         the cabinet advisors gave strong opinions on the matter  
20         as the meaning of the phrase "no further dealings with  
21         the Chiang Regime" was very ambiguous and the wording  
22         of the statement itself was not of the best, and no one  
23         was able to predict what the effect of such a statement  
24         would be.

25          Q    This much is clear about it, was it not: that

1       he Cabinet had decided to fight to a finish with  
2       Chiang Kai-shek?

3       A     The cabinet advisers hardly heard anything  
4       of such a nature. In fact, it was very kind of the  
5       Cabinet even to show us the statement at all.

6       Q     It was published, was it not?

7       A     It was -- the Cabinet issued the statement and  
8       I feel that it was very kind of the Cabinet to show us  
9       that statement at all.

10      Q     You mean to show it to you before it was pub-  
11       lished?

12      A     Yes.

1           Q Now, what was the strong opinion which you  
2 say you expressed about it?

3           A The opinion of practically all the cabinet  
4 councilors was that, although the wording of the state-  
5 ment was ambiguous, it did mean that all negotiations  
6 with the Chiang Kai-shek regime in the future would  
7 be cut off, and we felt that that would constitute an  
8 obstacle to any possible future negotiations between  
9 the Chinese Government and ourselves. This voicing  
10 of the opinion of the cabinet councilors in regard to  
11 this statement, that it was ambiguous, was about the  
12 last chance the councilors had to give any opinion or  
13 make any efforts in connection with advising the cab-  
14 inet.

15           Q And, contrary to your advice, the statement  
16 was issued, was it not?

17           A I do not know what exactly was discussed at  
18 the cabinet meeting. However, I do know that this  
19 statement to the effect that the Japanese Government  
20 would not deal with the Chiang regime was issued with-  
21 out any alterations at all.

22           Q Why, then, did you in May 1938 join the Govern-  
23 ment which had rejected your advice on two vital ques-  
24 tions of policy, which you have told us about?

25           A I felt that it was still too early for me to

1 go completely into retirement, that I should make one  
2 final effort for the sake of my country, and also  
3 accepted partly because of Prince KONOYE's very  
4 urgent pleas. I felt it was still too early to  
5 give up hope.

6 I should like to say this much for Prince  
7 KONOYE: That when, in connection with this statement  
8 about the Chiang regime, I met him later and asked  
9 him about the statement, he said that, "I did not  
10 issue it with the thought that all future negotiations  
11 with the Chiang regime was to be cut off but that, if  
12 the Chiang regime reconsidered, we are always willing  
13 to take up negotiations again."

14 Q Do you not know, while you were a member of  
15 the cabinet, he repeated the statement in December  
16 1938?

17 A I do not remember well at the present moment.

18 Q And, do you not know that in December 1938  
19 steps were being taken by the cabinet to establish  
20 Wang Ching-wei as a rival government?

21 A I do not know.

22 Q Why did you remain a member of the cabinet  
23 which continued to act in opposition to what you say  
24 were your policies?

25 A As I said before, I felt that there was still

some way by which my hopes and ideals could be realized and was bending all my efforts to that end, but because of my position -- because of the cabinet position which I held, I had no means of knowing about the policies in regard to those matters, nor was my advice sought on these questions and, for instance, I did not even know when Wang Ching-wei came to Japan, that he was there.

Q Now, you have suggested that, during the time you were in the First KONOYE Cabinet and the HIRANUMA Cabinet, matters were decided by the Five Ministers Conference and you were not consulted, is that true?

A Yes.

Q Was not the truth that no decision taken by that Five Ministers Conference could be put into effect until it had been brought before the cabinet and received the approval of the cabinet?

A That would be so if a policy was to be carried carried -- actually carried out after being decided upon. However, at the time, hardly any important policies was being decided.

Q For instance, were you not present on or about the 10th of June, 1939, when the HIRANUMA Cabinet decided to establish the regime of Wang Ching-wei?

A I am not sure on that point. However, we did

1 not even know that Mr. Wang had been brought to Japan  
2 and was in Japan at that time.  
3

4 Q Did you not, on the first anniversary of the  
5 China Incident, make a speech in which you yourself  
6 said that Japan would not lay down arms until anti-  
7 Japanese China was completely crushed to the extent  
8 that it could not stand up again?

9 A I do not believe that can have been my  
10 address. I have no recollection, personally, of  
11 having delivered such an address, and I believe it  
12 must be taken from the Monbu Ji Hyo or one of the  
13 other documents to which you referred before.

14 Q Did you not cause it to be published in your  
15 own Education Ministry review?

16 A The Education Ministry review, or Monbu Ji  
17 Hyo, was published by the Education Ministry, and there  
18 was a competent section which handled the publishing  
19 of that review, and somebody must have written that  
20 statement, and probably I myself, maybe, glanced  
21 through it, but it was nothing more than that. And,  
22 I remember that when you showed me one of those  
23 monthlies, I looked through it, and I thought, "Oh,  
24 yes, I do remember that." But, that is about the  
25 extent to which the matter goes.

And, in the first part of the article, ideas

1 to that effect may be found, but if you will look at  
2 the document as a whole and especially at the latter  
3 part --

4 THE INTERPRETER: Correction: "Not "document"  
5 but "article."

6 A (Continuing) -- you will find that the real  
7 impcrt of the article is not in such an idea.

8 MR. COMYNS CARR: That is exhibit 2281, and  
9 that concludes my cross-examination.

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1 THE PRESIDENT: Mr. McManus.

2 REDIRECT EXAMINATION

3 BY MR. McMANUS:

4 Q General, you were interrogated on a great  
5 number of occasions, were you not?

6 A Between twenty and thirty times -- twenty  
7 odd times.

8 Q The three interpreters who appeared in the  
9 courtroom yesterday were not the only interpreters  
10 which appeared before you at Sugamo, were they?

11 THE PRESIDENT: On Friday.

12 A No.

13 Q There were others, were there?

14 A I recollect that there were several others.

15 MR. McMANUS: If your Honor pleases, may I  
16 re-tender at this time defense document 1899B, which  
17 the Court has not yet ruled upon.

18 THE PRESIDENT: Is there any objection to  
19 this?

20 Mr. Comyns Carr.

21 MR. COMYNS CARR: The prosecution objects  
22 to this document, if the Tribunal pleases, on the  
23 ground that it is a matter which if relevant at all  
24 should have been introduced in the general phase.

25 THE PRESIDENT: Did the witness say that he

1                   was personally responsible for this statement by  
2                   SHIRAKAWA?

3                   MR. McMANUS: I believe so, your Honor.

4                   THE PRESIDENT: That he directed that this  
5                   statement be made; is that so?

6                   MR. McMANUS: That is my recollection of the  
7                   witness' testimony, if the Court pleases.

8                   THE PRESIDENT: Mr. Carr.

9                   MR. COMYNS CARR: It is not my recollection,  
10                  your Honor. I don't think he was asked about this  
11                  document. I may be wrong.

12                  THE PRESIDENT: He made a statement to that  
13                  effect as regards other commanders, b't I do not  
14                  recollect whether he did about SHIRAKAWA.

15                  MR. COMYNS CARR: Your Honor, he made a  
16                  statement to that effect with regard to proclamations  
17                  issued by this person SHIRAKAWA and also UEDA imme-  
18                  diately on their arrival in Shanghai; but I don't  
19                  think he has yet said that everything they issued  
20                  subsequently was issued on his instructions.

21                  THE PRESIDENT: Well, unless he can be shown  
22                  to be connected with it personally it must be rejected  
23                  upon that doctrine that we have decided to apply, or  
24                  ruling, as I should say.

25                  MR. McMANUS: May I inquire of the witness,

1 if the Court pleases, to determine whether or not  
2 he was responsible for this statement?  
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1           Q General, I ask you to look at defense docu-  
2       ment 1899-B and tell the Tribunal whether or not you  
3       were personally responsible for the statement made by  
4       SHIRAKAWA therein.

5           A I shall reply. Previous to General SHIRAKAWA's  
6       departure I instructed him, just as I instructed  
7       Divisional Commander UEDA, that the ideas of the govern-  
8       ment and of the central military authorities were the  
9       same as those which he subsequently embodied in his  
10      proclamation -- in his statement -- that they should be  
11      such. Although this goes into details, I believe that  
12      General SHIRAKAWA issued this statement in accordance  
13      with my intentions that the matters should be solved  
14      without recourse to arms.

15           MR. McMANUS: I tender the document again, if  
16       the Court pleases.

17           THE PRESIDENT: Mr. Comyns Carr.

18           MR. COMYNS CARR: Your Honor, it is a very  
19       small matter, but to maintain the principle, in my sub-  
20       mission the answer entirely fails to cover this docu-  
21       ment, which is a statement of fact about matters which  
22       happened after the general issuing the statement had  
23       arrived in Shanghai.

24           THE PRESIDENT: By a majority the objection  
25       is sustained and the document rejected.

Q General, on May 11, 1932 --

1 THE PRESIDENT: Before you re-examine I  
2 think I should put a number of questions on behalf of  
3 Members of the Tribunal, so that your re-examination  
4 may cover the answers to these questions, if necessary.  
5

6 BY THE PRESIDENT:

7 Q In paragraph 3 of your affidavit, Witness, you  
8 refer to the policy of the government being non-expansion-  
9 sion. Did that apply to China proper?

10 A It applied everywhere.

11 THE PRESIDENT: I have quite a number of ques-  
12 tions here in behalf of General Zaryanov, the Member  
13 from the U. S. S. R. They relate to a period before  
14 that covered by the Indictment, but it is claimed they  
15 go to the character of the witness.

16 BY THE PRESIDENT:

17 Q The first question is: Were you arrested for  
18 espionage in middle Asia in April, 1912, by the Russian  
19 Secret Service Agents?

20 A I was not arrested, but if permitted, I shall  
21 state the circumstances at that time -- my own feeling  
22 of dissatisfaction and of oppression. I shall state the  
23 facts briefly.

24 Q Before you say anything further we have de-  
25 cided to adjourn and confer on these questions.

(Whereupon, at 1015, a recess was taken until 1035, after which the proceedings were resumed as follows:)

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: The question and the answer or part answer thereto put to this witness just before we adjourned will not be considered. The question may be put later in the course of the case if circumstances so warrant. That will be decided in due course if the necessity arises. I am expressing now the wish of General Zaryanov.

I have another question on behalf of the General: Do you know anything about the Japanese Plan OTSU.

THE WITNESS: By the OTSU Plan, may I inquire if a strategic plan is meant? I believe the OTSU Plan is a strategic plan -- an operational plan. I do not know about this plan.

THE PRESIDENT: That plan has already been referred to in evidence.

Do you know at what those plans were aimed?

THE WITNESS: I cannot now recollect. May I inquire around -- when -- around what year this strategic plan refers to?

1                   THE PRESIDENT: Well, if you do not recollect,  
2 I think I had better leave it at that.

3                   THE WITNESS: I do not recollect.

4                   THE PRESIDENT: I understand it was about  
5 1922, '3 or '4. I am not sure, myself; I have forgotten  
6 the prosecution's evidence.

7                   THE WITNESS: No, I do not know about that  
8 plan.

9                   THE PRESIDENT: Mr. McManus.

10 BY MR. McMANUS (Continued):

11 Q General, on May 11, 1932 did you make a  
12 statement from your official residence concerning  
13 the withdrawal of Japanese troops from Shanghai?

14 A Yes.

15 Q I ask you to look at defense document 1899-E  
16 and tell the Tribunal whether or not this is a true  
17 and correct report of that statement which you made  
18 at that time.

19 THE PRESIDENT: Mr. Comyns Carr.

20 MR. COMYNS CARR: Your Honor, the Tribunal  
21 objects to this document --

22 THE PRESIDENT: The prosecution.

23 MR. COMYNS CARR: The prosecution -- I beg  
24 your pardon -- objects to this document. If the  
25 document is admissible, I should not object to its

1                   authenticity. But, in my submission, it offends  
2 against the ruling which the Tribunal gave on Thurs-  
3 day, that the witness cannot seek to counter belli-  
4 cose statements which he is alleged to have made by  
5 proving that on other occasions he made statements  
6 which were non-belligerent. In our submission, this  
7 document amounts to nothing more than that.

8                   MR. McMANUS: If the Tribunal pleases, it  
9 certainly tends to show the attitude of the witness  
10 at that time.

11                  THE PRESIDENT: It is covered by our previ-  
12 ous ruling to which Mr. Carr refers, I think, Mr.  
13 McManus.

14                  The Court would like to see this document.

15                  Mr. Comyns Carr.

16                  MR. COMYNS CARR: I would like, your Honor,  
17 to add that, so far as the document contains any  
18 facts, they are all in evidence already.

19                  THE PRESIDENT: By a majority, the Court  
20 sustains the objection and rejects the document.

21                  Q     I show you, General, defense document 1884  
22 and ask you whether or not this is a true and correct  
23 report from a speech made by you on March 8, 1932  
24 welcoming the Inquiry Committee of the League of  
25 Nations.

THE PRESIDENT: Mr. Comyns Carr.

1           MR. COMYNS CARR: Your Honor, again I make  
2 the same objection and the same remark, that if the  
3 document is admissible, I thought I had made it  
4 clear to my friend that I wouldn't object to its  
5 authenticity and, therefore, it is unnecessary to  
6 ask this witness to identify it.

7           THE PRESIDENT: Well, we haven't seen it  
8 yet.  
9

10          MR. COMYNS CARR: It is really nothing but  
11 a statement of the Japanese position to the League  
12 of Nations which we have had over and over again.  
13 Parts of it, on the last page, 3, are, in fact, not  
14 so very pacific and rather support the prosecution's  
15 case, but we do not consider the document of suffi-  
16 cient importance to ask that it be admitted on that  
17 ground.

18          THE PRESIDENT: Yes. By a majority the  
19 Court upholds the objection and rejects the document.

20          Q General, at this time I ask you whether or  
21 not, on October 30, 1933, you suggested an Asiatic  
22 Peace Conference, inviting all countries concerned  
23 to participate for the promotion of world peace.

24          A Yes.

25          Q I now ask you to examine defense document

1           2012 and tell us whether or not this is a true and  
2           correct report of the circumstances surrounding your  
3           suggestion at that time.

4                     (Whereupon, a document was handed  
5                     to the witness.)

6                 THE PRESIDENT: Mr. Comyns Carr. The  
7                 document has not been tendered yet, has it?

8                 MR. McMANUS: I am waiting for the wit-  
9                 ness' reply.

10               A This is a report written down by a news-  
11               paperman who came to see me in Fukui where I granted  
12               him an interview concerning the proposal I had made  
13               before for the holding of an Asia Pacific Confer-  
14               ence. I do not know anything about the latter part  
15               of this document.

16               THE PRESIDENT: What is the latter part?  
17               Where does that start?

18               THE WITNESS: The part beginning: The self-  
19               abandonment of the Far Eastern Monroe Doctrine --

20               MR. COMYNS CARR: It is on page 4, your  
21               Honor, of the English copy.

22               THE WITNESS: "... Foreign Office Authorities  
23               Express Surprise and Oppose Scheme which They Think  
24               Amounts ...." etc., etc. This part I know nothing  
25               about.

Q General, you did make such a suggestion,  
1 did you not?

A I have already stated in my affidavit that  
3 after the Tangku Truce, that all my efforts for the  
4 realization of this conference -- I have not men-  
5 tioned this statement itself in my affidavit, but  
6 the main facts are there.

MR. McMANUS: I now tender document 2012,  
8 if the Court pleases.

10 THE PRESIDENT: Mr. Comyns Carr.

11 MR. COMYNS CARR: If your Honor pleases,  
12 the prosecution objects to this document, as to the  
13 first part as being unnecessary and repetitious.  
14 My friend has served us with a document which is  
15 the actual witness' own written statement of this  
16 proposal to him sent to the Prime Minister. To that  
17 we do not propose to object. But it is quite unnec-  
18 essary to have a newspaper report of an interview  
19 about the same subject as well, in our submission.

20 The latter part of it, beginning at page 4,  
21 is the comments of some unnamed Foreign Office offi-  
22 cial explaining why, in the view of the Foreign  
23 Office, the proposal was impractical and likely to  
24 lead to more trouble than good.

25 THE PRESIDENT: In any event, Mr. McManus,

1 as this does not arise out of cross-examination,  
2 you would have to get our leave, and I do not think  
3 you are likely to get it under the circumstances.

4 By a majority, the objection is sustained  
5 and the document rejected.

6 Q General, upon your resignation as War  
7 Minister, did you suggest an outline for the emer-  
8 gency confronting Japan at that time?

9 THE PRESIDENT: Mr. Comyns Carr.

10 MR. COMYNS CARR: Your Honor, I cannot  
11 understand why my friend is taking up time by seek-  
12 ing to examine this witness about these documents.  
13 I have told him that I shall not object on the ground  
14 of authenticity but only on the ground of irrelevance  
15 of subject matter, and it is a pure waste of time  
16 to ask the witness to identify each document under  
17 those circumstances.

18 MR. McMANUS: At this time I tender docu-  
19 ment 2010 and ask that it be marked into evidence,  
20 if the Court pleases.

21 THE PRESIDENT: Mr. Comyns Carr.

22 MR. COMYNS CARR: Prosecution does not ob-  
23 ject to this document, your Honor, but the whole of  
24 the first page and the first paragraph on the second  
25 page and the last half of the third page are mere

1 flowery expressions of compliments to various people  
2 and, in our submission, need not be read.

3 THE PRESIDENT: Well, we haven't read this  
4 to discover whether it arises out of cross-examina-  
5 tion.

6 MR. McMANUS: If the Tribunal pleases, I  
7 am not on redirect examination. I requested the  
8 Tribunal last week to permit me to keep this witness  
9 on the stand for the purpose of identifying docu-  
10 ments. I daresay he might be considered to be still  
11 on direct examination.

12 THE PRESIDENT: Mr. Comyns Carr.

13 MR. COMYNS CARR: Your Honor, he is quite right  
14 about that; but, as I already submitted, it is quite  
15 unnecessary to ask this witness to identify these  
16 documents because they are either admissible or not  
17 admissible on their own merits.

18 THE PRESIDENT: Well, should he remain on  
19 the stand? Is he required further?

20 MR. COMYNS CARR: It would not be proper  
21 for my friend to ask the witness any question in  
22 reexamination on this document because there was no  
23 cross-examination on the subject.

25 THE PRESIDENT: That is the point I am  
making, and it is based on his presence in the

1 witness box.

2 MR. COMYNS CARR: I would suggest that,  
3 unless my friend has any further questions which are  
4 reexamination, the witness should return to his  
5 place.

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1 MR. McMANUS: I have several other documents  
2 concerning speeches that the accused himself made. I  
3 had intended to try to have them identified by the  
4 witness himself.

5 THE PRESIDENT: It appears the prosecution  
6 have all the documents listed in the order of proof  
7 and having seen those documents they are satisfied  
8 not to contest their authenticity.

9 MR. COMYNS CARR: Your Honor, as far as I am  
10 aware there is not one of them on which it would be  
11 either necessary or proper to ask the witness a ques-  
12 tion. I have said several times that we shall not  
13 dispute their authenticity and the witness can throw  
14 no light on their relevance.

15 MR. McMANUS: I shall offer them on their own  
16 merits then, if the Tribunal pleases.

17 Do I understand, your Honor, that you have  
18 accepted document 2010? If so, may I have a number,  
19 please, an exhibit number?

20 THE PRESIDENT: The witness will resume his  
21 place in the dock.  
22

(Whereupon, the witness was excused.)

23 THE PRESIDENT: Defense document No. 2010 is  
24 admitted on the usual terms.  
25

CLERK OF THE COURT: Defense document No. 2010

1 will receive exhibit No. 3166.

2 (Whereupon, the document above  
3 referred to was marked defense exhibit  
4 No. 3166 and received in evidence.)

5 MR. McMANUS: Will your Honor bear with me  
6 for just a few minutes, please?

7 THE PRESIDENT: The Court will recess for  
8 fifteen minutes.

9 (Whereupon, at 1104, a recess was  
10 taken until 1120, after which the proceedings  
11 were resumed as follows:)

12 MARSHAL OF THE COURT: The International  
13 Military Tribunal for the Far East is now resumed.

14 THE PRESIDENT: Mr. McManus.

15 MR. McMANUS: I now offer defense document  
16 1883 which is a speech by Minister of State INUKAI  
17 delivered in January 1932 and is tendered to explain  
18 the attitude of the cabinet of which ARAKI was a member  
19 toward the Manchurian Incident. It will also show  
20 that attitude included no territorial ambitions.

21 MR. COMYNS CARR: May it please the Tribunal,  
22 the prosecution objects to this as offending against  
23 the recent rulings. Not being a speech by ARAKI it  
24 should have been tendered, if at all, in the general  
25 phase and in any case, so far as ARAKI can claim

1 responsibility for it, it is merely an example of a  
2 statement for public consumption of a pacific character.

3 THE PRESIDENT: It appears to be perfectly  
4 general, Mr. McManus. Are there any special grounds  
5 for its admission?

6 MR. McMANUS: Only, if your Honor pleases,  
7 as I stated before, it shows the attitude of the  
8 cabinet of which ARAKI was a member.

9 THE PRESIDENT: That is a special ground.  
10 ARAKI was a member of the cabinet.

11 By a majority the objection is sustained  
12 and the document rejected.  
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1                   MR. McMANUS: I should now like to read from  
2                   Exhibit 3163-A. It is a statement by General UEDA  
3                   to the Chinese, depicting his efforts to settle the  
4                   Chinese Incident amicably: "A Diplomatic History of  
5                   the Shanghai Incident", page 83:

6                   "It is my ardent wish to accomplish my  
7                   duty by the most effective means and I notify your  
8                   army of the following articles:

9                   "1. Your army is to stop fighting at once,  
10                  complete the withdrawal of the front line troops from  
11                  the present front at 0700 February 20th. Withdrawal  
12                  must be completed by 1700 February 20th, from the  
13                  area (including the SHIHTZELIN Fort) which is 20  
14                  kilometers north of the settlement borderline, and  
15                  which is a line connecting the west bank of the  
16                  HUANGPU River and the northwest edge of the settle-  
17                  ment, extending through FENG HOTUCHEN, CHOWCHIACHIACHEN  
18                  and PUSUNGCHEN, and which connects the east bank of  
19                  the HUANGPU River and LAN-NI-TU and CHANG-CHIA-LOW-  
20                  CHEN. Furthermore, fortresses and other military  
21                  facilities within the said area must be withdrawn,  
22                  and must not be re-established.

23                  "2. The Japanese army will not shell, bomb  
24                  nor pursue your army after your army commences to with-  
25                  draw. However, reconnaissance by planes will not be

1 restricted. After the withdrawal of your army, the  
2 Japanese army will hold only the area in the HUNG KIU  
3 vicinity, including the road area of the Municipal  
4 Police Office and the area around the HUNG KIU Park.

5 "3. After the front line withdrawal of your  
6 army is completed, the Japanese army will dispatch  
7 investigators with guards to the withdrawal zone, in  
8 order to ascertain its execution. These investigators  
9 will be recognized by bearing the Japanese flag.

10 "4. Your army must thoroughly protect the  
11 lives and properties of Japanese nationals residing in  
12 the Shanghai area outside of the said withdrawal zone.  
13 If the protection of these people is not complete, the  
14 Japanese will take appropriate steps. The most effect-  
15 ive prohibitive measures will also be taken against  
16 guerillas.

17 "5. Separate negotiations will be made con-  
18 cerning the protection of foreigners in the Shanghai  
19 area (including the withdrawal zone).

20 "6. As for prohibiting anti-Japanese move-  
21 ments, you must carry out strictly the promise which  
22 Mayor WU made to Consul General MURAI on January 28.  
23 The Japanese diplomatic officials will probably nego-  
24 tiate separately about this item with your Chief  
25 Administrator of Shanghai. If all the aforementioned

1 items are not carried out, the Japanese army will be  
2 obliged to take free actions against your army, and  
3 all the responsibilities arising as a result will be  
4 borne by you.

5 "2100 hours, Feb. 18, 1932.

6 "To General TSAI TING KAI, the Commanding  
7 Officer of the 19th Route Army.

8 "From UEDA, Kenkichi, the Commanding Officer  
9 of the Japanese Forces."

10 I should like now to read from exhibit 3163-B  
11 which is a statement of army commander SHIRAKAWA,  
12 made March 1, 1932, to the Ninth Division, which is  
13 tendered for the purpose of showing the attitude of  
14 the Japanese army, the Cabinet and War Minister ARAKI  
15 whereby they expressed a reluctance to fight re the  
16 Shanghai Incident and discloses further their attitude  
17 to settle the affair expeditiously, page 91, "Diplomat-  
18 ic History of the Shanghai Incident":

19 "I have just arrived here today, to take com-  
20 mand of the Shanghai expeditionary army in order to  
21 protect our people residing in the Shanghai area, in  
22 cooperation with the Navy.

23 "Though Japan has made every effort to settle  
24 the matter by peaceful means, it has been all in vain,  
25 and now that the 9th division has taken arms at last,

1 the Chinese are going to resist us with heavier prepar-  
2 ations and a larger force. Thus being the case, Japan  
3 is obliged to the increase in her forces necessary to  
4 accomplish her primary purpose. We, however, don't  
5 want to fight and to complicate the matter any more.  
6 If the Chinese accept our demands faithfully and eva-  
7 cuate their forces immediately, we shall not hesitate  
8 to cease military action. And it is obvious that we  
9 shall be faithful neighbours toward the common Chinese  
10 people and maintain harmony with all other countries  
11 concerned while respecting their rights and interests.  
12

13 "On the occasion of my arrival in the Shanghai  
14 area commanding the Imperial army, I intend to do my  
15 best not to enlarge this incident, in view of the  
16 objective for which our army was sent, and to limit  
17 it as much as possible and settle it quickly in order  
18 to protect our people fully and at the same time to  
19 restore peaceful order to East Asia.

20 "1932, March 1.

21 "Commander of the Shanghai Expeditionary Army  
22 "SHIRAKAWA, Yoshinori."

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1        I now offer defense document 1882. This  
2        is a report by ARAKI, Minister of State, at the 61st  
3        Session of the House of Peers made on March 23, 1932,  
4        concerning the Manchuria Incident and the first  
5        Shanghai Incident, wherein all Japanese troops were  
6        withdrawn to further the interests of peace.  
7

THE PRESIDENT: Mr. Comyns Carr.

MR. COMYNS CARR: May it please the Tribunal,  
the prosecution objects to this document as being  
again nothing more than a repetition of the pacific  
sentiments for public consumption by the accused  
ARAKI with which these military operations were ac-  
companied.

THE PRESIDENT: You object as a self-serving  
statement.

MR. McMANUS: This report was made right at  
the time of the Manchurian Incident, and I certainly  
should think the Court would be most interested in  
finding out what the attitude of ARAKI was at that  
time.

THE PRESIDENT: By a majority the objection  
is overruled and the document admitted on the usual  
terms.

CLERK OF THE COURT: Defense document No.  
1882 will receive exhibit No. 3167.

(Whereupon, the document above referred to was marked defense exhibit No. 3167 and received in evidence.)

MR. McMANUS: I shall now read from exhibit  
3167.

"The Official Gazette, Extra, 24 March,  
1932.

"The Stenographic Record of the Proceedings  
of the 61st Session of the House of Peers in the  
Imperial Diet, No. 2.

"Sitting Opened at 10:09 A. M., Wednesday,  
23 March 1932.

"Mr. ARAKI, Sadao, Minister of State.

"(Omitted)."

And then I shall continue:

"I should like to give an outline concerning the matters of the moment that are chiefly in my charge. The Anti-Japanese movement in China, which has been a great hindrance to permanent peace in the Orient and one of the most deplorable occurrences, has precipitately enlivened its activities of later years and the privileged rights of our country have not only been entirely ignored by the Manchurian authorities, but also great pressure has come to be laid on Japanese and Korean residents, until their insistance resulted

1       in the slaughter of these people. This serious  
2       situation culminated in the murder of Japanese army  
3       officers. Our countrymen, as well as those living  
4       in Manchuria, that have tolerated these outrages with  
5       patience, have come to stand face to face with the  
6       imminent danger. This state of things has grown  
7       worse, and challenged by the riotous act of violence  
8       inflicted by Chinese soldiers under command of Wang  
9       I-Che in the vicinity of Peitaiying near Mukden,  
10      the Japanese troops have been forced to rise against  
11      their will for their own self-defense.

12       "Since then, the Japanese Army has faced  
13      with minor forces the outnumbering enemy, making  
14      continuous operation night and day and getting over  
15      various difficulties. On the other hand, as we have  
16      just received here in the assembly an encouragement  
17      resolution, we have met with such an enthusiastic  
18      support, born of nation-wide public wrath, as not  
19      experienced for many years. Thus in unity of the  
20      people many international crises have been faced  
21      with and borne through.

22       "The Japanese Army, in half a year, have  
23      repulsed frequent attacks of ex-soldier bandits,  
24      mounted bandits and Chinese plain-clothes soldiers.  
25      At present, the Japanese forces now staying in

1 Manchuria number less than 30,000 and are stationed  
2 in the vast area of Manchuria and Mongolia more than  
3 two times and a half as large as our empire and are  
4 directly charged with protection of the lives and  
5 properties of the 1,000,000 Japanese and Korean  
6 residents and indirectly with the preservation of  
7 peace and welfare of the 30,000,000 inhabitants. The  
8 soldiers have fulfilled their duty with unfailing  
9 rectitude to take up their stand on the life-line of  
10 national defense and safeguarded national security.

11 "I consider the honorable members are already  
12 well aware of such information.

13 "At the time of the outbreak of the incident,  
14 the Japanese Army forces were formed of the 2nd  
15 Division and the Independent Garrison numbering only  
16 10,400 with the inclusion of those troops scattered  
17 in various localities. The forces in and about Mukden  
18 were only 4,000 strong at the time of the incident.  
19 On the contrary, the Chinese Army numbered approxi-  
20 mately 220,000 in total and the forces stationed near  
21 Mukden were no less than 14,000. In consideration of  
22 this situation, at the outbreak of the conflict, the  
23 dispatch of a mixed brigade from Korea has been de-  
24 cided on and as is well known, other troops have been  
25 dispatched from home and Korea to meet the requirement

1 of various critical moments. In this manner the  
2 minor Japanese forces have stripped Manchuria of the  
3 menace near Liaohsi and swept away all disturbances  
4 in North Manchuria. Bandits have not merely been  
5 suppressed, but also they have been pacified with  
6 a view to the least casualties on the part of the  
7 Japanese Army. These endeavors have resulted in the  
8 present rest. On closer observation, however, the  
9 circumstances admit of no optimism and the authori-  
10 ties concerned are now in hasty endeavors for measures  
11 to cope with the situation. It is a matter of course  
12 that we hope for the preservation of eternal peace in  
13 Manchuria and her development even from the stand-  
14 point of our own national defense and needless to say,  
15 for this purpose, the prevailing condition necessi-  
16 tates the existence of the present strength of the  
17 forces, and the more, if possible. The respective  
18 authorities are now engaged in the examination of  
19 this case. Concerning the state of things in Shang-  
20 hai and its vicinity, the army perceived the necessity  
21 of taking up measures with deliberation, judging from  
22 its peculiar character different in its nature from  
23 the disturbances in Manchuria and watched further  
24 development, but at the end of February, to meet the  
25 need of the emergency, it was decided by the Cabinet

1 council to send a brigade from Kyushu and a division  
2 reinforced to a certain degree on a program designed  
3 by the Supreme Command. In view of the specially  
4 complicated situation of Shanghai, the army authori-  
5 ties wished for the immediate solution of the problem  
6 without any bloodshed from the start and repeatedly  
7 carried on negotiations with the Chinese authorities,  
8 which showed no sincerity and replied with bombard-  
9 ment. It is a matter of great regret that these  
10 circumstances compelled us to exchange fire.

11 "The Chinese Army reinforced their strength  
12 with the guards under the command of Chiang Kai-shek  
13 in addition to the 19th Route of Canton then in active  
14 position, the whole strength totaling 6 divisions,  
15 threatened to take the offensive. Therefore, in  
16 accordance with our prepared plan, two Japanese  
17 divisions and adjunct troops required for the area  
18 have been dispatched and early this month, with one  
19 blow, have irretrievably defeated the main body of  
20 the enemy. At present the Japanese forces are assembled  
21 in a certain limited area in a state of suspension of  
22 hostilities with a view to restoring peace. In per-  
23 fect harmony with the fundamental policies of the  
24 Imperial Government and in cooperative operations  
25 with the Navy, the Japanese Army in due consideration

of the situation of the time has succeeded in the  
1 attainment of its object, evading the full-scale  
2 conflict between Japan and China. The object of  
3 sending our troops to the Shanghai area is the  
4 protection of the Japanese residents and the preserva-  
5 tion of peace in the International Settlement. Con-  
6 sequently, so long as China does not menace with a  
7 large-scale offensive, the Japanese Army authorities  
8 have decided, acting on the intention of the Supreme  
9 Command, to withdraw the forces of their own accord.  
10 In the middle of this month, the 11th Division and  
11 the 24th Mixed Brigade have been given instructions  
12 for evacuation and stand-by at home and they are now  
13 under transportation. The above-mentioned is the  
14 outline of the important military affairs of which  
15 I am in charge. In view of the present conditions, at  
16 home and abroad, careful examination of the nature  
17 and development of the incident shows that it is not  
18 only incomparable in its gravity and seriousness with  
19 our expedition to Siberia or with the Manchurian  
20 Incident, but also it may be said to in its importance  
21 even the Russo-Japanese War. It is simply natural  
22 that the morale of our soldiers and the nation has  
23 been enhanced as a result. It is our earnest desire  
24 to safeguard the security of the nation and the peace  
25

and welfare of the people by virtue of our loyalty  
1 to the country, unselfish devotion and exertion, and  
2 our strong unity and thus to see the glorious conclusion  
3 The harmonious cooperation of the army and the navy  
4 demonstrated during the the latest operations, in  
5 the excellence of which the army may well take pride,  
6 is unrivalled in history and it should be particularly  
7 stated that it is worth our special attention. What  
8 with the august virtue of His Majesty and gods' grace,  
9 and what with the unrivalled devotion and loyalty of  
10 the soldiers, it has been clarified that the army  
11 deserves the high regard of the countries of the  
12 world and that it can take its resolute stand on the  
13 unanimous support of the people. It is a matter of  
14 congratulation that the new dawning light of peace  
15 is now being noticed in the Orient. Impressed with  
16 the growing importance of the responsibilities, the  
17 authorities concerned are all determined, in considera-  
18 tion of our national structure, to tide over the crises  
19 by united efforts, to secure national defense to  
20 exalt the Imperial prestige abroad, to extend national  
21 virtues at home for the well-being of all the people,  
22 to abide by the KODO (The Imperial Way), instead of  
23 hereby, to make contribution toward perfect peace of the  
24 empire, and to redouble our efforts for the fulfillment  
25

of our heavy responsibilities of guarding and maintaining Our Imperial Throne.

1 I now offer defense document 1825, which is  
2 a speech by War Minister ARAKI delivered on March 25,  
3 1932, at the 61st Session of the Imperial Diet,  
4 wherein ARAKI advocated the establishment of a neutral  
5 zone in China and the concluding of a truce agreement  
6 despite the opposition of various other members.

7 THE PRESIDENT: Mr. Comyns Carr.

8 MR. COMYNS CARR: May it please the Tribunal,  
9 in addition to the objections which I urged against  
10 the last document, this document is merely a repetition  
11 at somewhat greater length of that part of the last  
12 document which dealt with the situation in Shanghai.  
13 It was made the day after the speech which has just  
14 been read.

15 THE PRESIDENT: Is there anything new in this  
16 one, Mr. McManus?

17 MR. McMANUS: It is somewhat repetitious, if  
18 the Court pleases, but maybe if I just call it to the  
19 Court's attention and have it noted by the Court, I  
20 could refrain from reading it.

22 THE PRESIDENT: The objection that the document  
23 is repetitious is sustained and the document is  
24 rejected.

25 MR. McMANUS: I should now like to read from  
exhibit 3166. This exhibit contains the emergency

1 policies offered by the accused ARAKI to the Premier  
2 upon his resignation from the post of War Minister.

3       The document is offered for the purpose of  
4 showing that ARAKI proposed suggestions for Japan to  
5 settle any existing difficulties between other powers  
6 for the promotion of world peace.

7       In compliance with the wishes or the sug-  
8 gestion of Mr. Carr, the prosecutor, I shall not read  
9 the first page but will start on page 2, beginning at  
10 the fourth paragraph. This is a covering letter with  
11 respect to basic suggestions for the emergency, by  
12 ARAKI, Sadao.

13       " The present situation of Japan, both inter-  
14 nationally and externally, may appear in different ways to  
15 those who look at it from different angles, but if I  
16 may be allowed to tender my own appreciation, I firmly  
17 believe that this is not an emergency situation from  
18 a mere phraseological point of view, but a truly criti-  
19 cal juncture at which the fate of our Empire is solely  
20 at stake. Opinions seem to differ among the general  
21 public as to whether or not a crisis in Japan will resul  
22 but real important affairs of a state are apt to arise  
23 without even a day's notice and my humble opinion is  
24 that a nation must be ready at all times, morally and  
25 materially, to avoid any possible portentous trouble

1 and to secure a basis for her further development.  
2 This precaution, I may add, has been necessary through-  
3 out all ages.

4 "From this viewpoint, I am not inclined to  
5 believe that we can afford to take a rose-coloured view  
6 of things. In fact, the potential danger of a nation  
7 is often made an actual one when people try to avoid  
8 tackling difficult problems and seek to comfort them-  
9 selves by taking a light view of matters. Ill-informed  
10 though I am, this is how I feel when I trace back the  
11 history of the varied fortune of races.

12 "I do not believe it a far-fetched opinion  
13 or an intentionally created pessimism if we forecast  
14 unseen difficulties in the immediate future of our  
15 country. On the contrary, I trust this is the very  
16 moment when national unity is most urgently required  
17 to bring about the prosperity of the Empire.

18 "To cope with this important situation, I have  
19 in fact already expressed my views on various occasions,  
20 including that of the Five-Minister Conference. How-  
21 ever, as I regard it as a question of vital importance,  
22 I take the liberty of making my further suggestion,  
23 though it may partially overlap what I said before,  
24 under a separate cover, and solicit Your Excellency's  
25 valuable consideration over the future of Japan and

1 that you kindly put it into practice.

2 "It has not entirely slipped my notice that  
3 some people are filled with misgivings concerning the  
4 attitude of the military authorities toward interna-  
5 tional problems. To this I may say that our attitude  
6 has been consistent and rigid in the past, and will  
7 remain so in the future, vis-a-vis those whose ideology  
8 and views on national polity are not reconcilable with  
9 the character of the national polity of our Empire.  
10 However, with my poor knowledge of international rela-  
11 tions and also in an endeavour to maintain as close  
12 contact as possible with the relative branches of  
13 government authorities, I have been exerting what little  
14 service I could toward promoting our position among  
15 the powers and their confidence in us, explaining to  
16 them wherever possible the principle of the foundation  
17 of our Empire in connection with the national policies  
18 and principles of the present. My intention in doing  
19 so has been to seek either implicitly or explicitly  
20 for friends among the powers so that the Empire may  
21 not be reduced to a state of international isolation.  
22 I hope that Your Excellency will render your assistance  
23 in realizing closer relations between the foreign  
24 and military authorities, with whose cooperation Japan  
25 may maintain her present superior position among the

1 international communities, and that her rightful claim  
2 may be duly complied with."

3 That is all from that covering letter, if  
4 the Tribunal pleases. I should now like to read the  
5 basic suggestions.

6 "It is a matter of urgency at present to  
7 inspire the people with the moral sense of our Empire  
8 and to reveal at home and abroad the essential qual-  
9 uities of its culture by means of perfecting its national  
10 power based on nation-wide harmony, and moreover, to  
11 aim at strengthening the recognition of our national  
12 structure and furthering the peace and security of our  
13 national life internally, and to expedite the estab-  
14 lishment of peace in East Asia and the Pacific exter-  
15 nally.

16 "Due to the international crises marking the  
17 10th year of Showa (1935) and to the general tendency  
18 toward renovation running high among the jurisdictional  
19 courts and also among other circles, several unfavour-  
20 able social trends are expected to be revealed in the  
21 proceedings of trials and in other aspects of social  
22 life, especially in public speeches, etc., and these  
23 are liable to produce general unrest among the people  
24 and among rural communities in particular.

25 "Combined with the disturbance in educational

1       circles and the unrest in the labor field will be  
2       aggravated and there is a fear that some, if not all,  
3       of the army and navy personnel may be influenced by these  
4       unfavourable conditions and be led into restlessness.

5             "The general situation at present seems to  
6       be in apparent tranquillity, but it is my opinion that  
7       it would be impossible for the government to tide over  
8       the real difficult situation, both internal and ex-  
9       ternal, unless means are devised completely to dispel  
10      the prevailing unrest in public feeling.

11            "Now that these tendencies have gathered  
12      strength discord and unrest refuse to be driven away  
13      by any ordinary or mediocre measures.

14            "I really think the affairs of state of Japan  
15      should be a matter of religious service. The fundamen-  
16      tal aims should be to enable the people to live in peace  
17      and contentment by observing such virtues as due wor-  
18      ship of gods, intimacy between the sovereign and his  
19      subjects and perfect harmony between the high and the  
20      low. Therefore, we should make it our noble cause to  
21      act in observance of various virtues peculiar to our  
22      Empire and to reject both Communism and Fascism.  
23      Government means adjustment of tendencies as well; a  
24      tendency should be adjusted after it is taken into  
25      consideration, and then directed so that it may take a

proper course. Natural tendencies do not always take reasonable courses but sometimes go astray; therefore those in a position to govern must devote themselves to assisting in the Emperor's rule, in conformity with nature and by transcending reason, so as to bring about the development of our national power and let the people live a peaceful life. This is the true way to govern.

"Since these tendencies have already gathered strength and the crisis of our country is impending, we must, acting upon the fundamental principle mentioned above, be prompt in judging where this trend will lead us to. We must sacrifice ourselves in order to render allegiance and assistance to the Emperor in compliance with the source of our government which aims at worship of gods, intimacy between the sovereign and his subjects and perfect harmony between the high and the low. Since appeal to His Majesty's benevolence and then to transgress His Imperial virtues, would constitute an act certainly deserving our inevitable death, we must petition His Majesty to grant amnesty to our brethren for their past crimes. Thus we may purify this bewildered phase of life and drive the offenders to devote themselves to a new way of living in expiation of their sin. Hereby we can effect a complete change of public feeling, and furthermore, without scruple, we must

1 carry out a large-scale reform in diverse fields of  
2 government. For this purpose we shall have to request  
3 the Imperial decision so that the people may be informed  
4 on the boundless august plan, and shall have to adjust  
5 this tendency which is apt to be distorted, on this  
6 the eve of the national crisis and thereby consolidate  
7 the basis of our Empire which is destined to be over-  
8 lasting and noble. Thus establishing the basis of  
9 development of our national power, we must thoroughly  
10 discharge at this juncture, our great duty of being  
11 of assistance to the Imperial Throne.

12 "According to the purport stated above, I  
13 hereby suggest the following policy."

14 THE PRESIDENT: Mr. McManus, what help are  
15 we to get from these vague generalities? Can you  
16 suggest what help we can get?

17 MR. McMANUS: If the Court pleases, I think  
18 your Honor could understand how ARAKI at the time was  
19 trying to promote peace, trying to straighten the  
20 situation out between Japan and other countries.

21 THE PRESIDENT: Look over this during the  
22 luncheon adjournment; perhaps you will decide not to  
23 read any more. We will adjourn until half-past one.

24  
25 (Whereupon, at 1200, a recess was  
taken.)

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r1                   AFTERNOON SESSION  
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34                   The Tribunal met, pursuant to recess, at 1330.  
56                   MARSHAL OF THE COURT: The International  
7                   Military Tribunal for the Far East is now resumed.  
89                   THE PRESIDENT: Mr. McManus.  
1011                  MR. McMANUS: I shall follow your Honor's  
12                  suggestion, and I shall just read another two short  
13                  paragraphs from exhibit 3166. I invite your Honor's  
14                  attention to page 7:  
1516                  "B. International Policies  
1718                  "By judging the international situation, we  
19                  shall determine our policies towards the political  
20                  situation in the world, among which especially those  
21                  towards Soviet Russia, U.S.A. and China are ranking.  
2223                  For this purpose the following must be decided upon,  
24                  while preparations must be made for the invitation, at  
25                  a suitable opportunity, of a Peace Conference among  
powers to establish a basis for peace in East Asia  
and the Pacific.26                  "a. Our policy towards Soviet Russia mainly  
27                  in respect of the international relations in thought.  
2829                  "b. Our policies towards China, U.S.A. and  
30                  the League of Nations mainly in respect to the Man-  
churian Problems.

1            "c. Our policies towards Great Britain and  
2 U.S.A. mainly in respect to the London Disarmament  
3 Conference.

4            "d. Our policies towards Great Britain,  
5 U.S.A. and China mainly in respect of the international  
6 economic relation."

7            I now would like to present, with the Court's  
8 approval, my co-counsel, Mr. SUGAWARA, who will call  
9 a witness.

10          THE PRESIDENT: Mr. SUGAWARA.

11          MR. SUGAWARA: I shall call as my next  
12 witness MASAKI Jinsaburo. His affidavit is No. 1162.  
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1 J I N S A B U R O M A S A K I, called as a witness  
2 on behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as  
4 follows:

5 DIRECT EXAMINATION

6 BY MR. SUGAWARA:

7 Q Mr. Witness, please state your full name.

8 A MASAKI Jinsaburo.

9 Q And your address.

10 A My address is No. 168 Setagaya, 1 Chome,  
11 Setagaya-ku, Tokyo. A slight correction, however, is  
12 necessary in that when I prepared my affidavit, I was  
13 not yet at home. This affidavit was prepared and  
14 signatured at the International Military Tribunal for  
15 the Far East at Ichigaya.

16 Q I shall now show you your affidavit. Will  
17 you please examine it and see if your signature is  
18 there and whether it is your affidavit?

19 (Whereupon, a document was handed  
20 to the witness.)

21 A This is my affidavit, and I have signed it.

22 Q Are there any corrections to be made in this  
23 affidavit? If so, please state them.

24 A There are none.

25 Q Please state the reason why the address

1 written -- the correction of the address written in  
2 that affidavit should be made.

3 A The change of address took place because up  
4 to 11:00 a.m. on the 30th of August, I was held at  
5 Sugamo Prison.

6 Q Are there any other corrections to be made?

7 A There are none.

8 MR. SUGAWARA: I shall now present defense  
9 document No. 1162 in evidence.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Defense document 1162  
12 will receive exhibit No. 3168.

13 (Whereupon, the document above  
14 referred to was marked defense exhibit  
15 No. 3168 and received in evidence.)

16 MR. SUGAWARA: I shall start to read:

17 "My name is Jinsaburo MASAKI. I was former-  
18 ly a General of the Imperial Japanese Army.

19 "I was the Vice-Chief of the General Staff  
20 from January 1932 to June 19th, 1933, a War Council-  
21 lor for a short while; the Inspector-General of train-  
22 ing from January 1934 to July 16th, 1935; a War  
23 Councillor again and was then transferred to the first  
24 reserve in March 1936.

25 "When I became the Vice-Chief of the General

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1 Staff, the Chief of the General Staff was H.R.H. the  
2 Prince KAN-IN and the War Minister was Lieutenant-  
3 General ARAKI Sadao.

4 "When I assumed this post War Minister ARAKI  
5 explained to me the internal and external situations  
6 of Japan which existed at that time, the gist of which,  
7 as far as I remember, was as follows.

8 "The state of affairs of our country, both  
9 internal and external is quite alarming. There have  
10 already been many internal incidents and our relation  
11 with the League of Nations is far from being satis-  
12 factory.

13 "As for Manchuria in spite of the non-  
14 expansion policy of the former cabinet, the situation  
15 has simply become more aggravated.

16 "As there is every danger that it will  
17 develop into a regular war, we must leave no stone un-  
18 turned in immediate saving of this complicated situ-  
19 ation. When I (ARAKI) was appointed Minister of War  
20 the Chinchou district was in a critical condition.  
21 Unless we saved it, our residents and troops would be  
22 endangered. The diplomatic negotiations were at a  
23 standstill; the situation was aggravated, and the  
24 Kwantung Army was in a difficulty. The Government,  
25 therefore, was obliged to decide to liquidate that

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district for self-defence and protection of the residents.  
1 The General Staff Office ordered the Kwantung  
2 Army to that effect. The liquidation campaign has  
3 just finished. I think there will be no need of  
4 further operations unless our Army is challenged. At  
5 any rate we will try to cease hostilities within the  
6 smallest possible scope. The Government is on prin-  
7 ciple dealing with Chang Hsueh-liang who is still dis-  
8 turbing peace and order. Therefore our scope of oper-  
9 ation is limited under any condition within his sphere  
10 of influence. Bearing this in mind, please control  
11 the Army strictly.'

"At my appointment, my predecessor told me  
13 almost the same thing.

"At the time when I assumed the post as the  
15 Vice-Chief of the General Staff, I met Premier INUKAI.  
16 While he has explained chiefly our political diffi-  
17 culties that Japan was experiencing at that time, he  
18 also made some remarks on the situation which was more  
19 or less similar to that of War Minister ARAKI. The  
20 Premier did not in any way suggest that he had any  
21 intention of petitioning to the Throne for an Imperial  
22 Order, by virtue of which to withdraw all the troops  
23 from Manchuria, nor did I ever hear from anyone that  
24 Premier INUKAI had any such intention.

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1 "I reported to H.R.H. the Prince KAN-IN,  
2 Chief of General Staff, what I had heard from the  
3 Premier and the War Minister respectively, and with  
4 his approval, I managed and conducted the matters in  
5 accordance with the Government's policies shown to me  
6 by War Minister ARAKI. While I was doing so, it was  
7 suddenly decided by the Ministry that troops be dis-  
8 patched immediately to Shanghai which were requested  
9 by navy authorities for the purpose of reinforcing the  
10 navy and to protect Japanese nationals there.

11 "Bearing in mind what I had heard from the  
12 War Minister I took every precaution to observe his  
13 principle so that the dispatched troops would not ex-  
14 ceed the scope of their primary object. Divisional  
15 Commander UEDA (T.N. - Commander of the dispatched  
16 troops) also followed closely this principle and  
17 endeavoured to settle the situation without resorting  
18 to means of bloodshed. I remember he first made a  
19 proclamation requesting reconsideration by the opponent  
20 over their action. However, contrary to his expec-  
21 tation, the opponent increased their preparation for  
22 fighting and added difficulties. In fact, there were  
23 signs that an over-all clash between Chinese and Japa-  
24 nese was inevitable.  
25

"Under these circumstances, further

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reinforcement was decided from the point of view of  
1 strategic importance with the purpose of solving the  
2 situation quickly. When the vanguard of the second  
3 reinforcement made their landing at Chiilaikou along  
4 the Yangtze River the 19 Route Army began to retreat,  
5 and as it was driven beyond the expected line, attack  
6 was ceased. Thus hostilities ended in three days,  
7 with almost negligible casualties.  
8

"In due course, an agreement was signed to  
9 ensure the future safety.  
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1        "This agreement provided Japan the right of  
2 stationing certain part of her troops there, but in  
3 view of War Minister ARAKI's principle, which was  
4 completely identical to ours, we decided to evacuate  
5 all the troops from China and I think the complete  
6 withdrawal was made within a month of signing the agree-  
7 ment, the Jehol and Hulunpeirh campaigns and the task  
8 of the Kwantung Army through the provisions of the  
9 Japan-Manchoukuo Protocol and because of constant  
10 disturbances of law and order in and around Jehol chiefly  
11 by Tang Yulian and in Hulunpierh chiefly by Su Ping-wen,  
12 it became necessary for the Japanese and Manchoukuo forces  
13 to resort to military action based on the provisions of  
14 the Protocol. It took place after the formal recognition  
15 of the State of Manchoukuo, and as the precaution was  
16 taken throughout the campaign not to divert from the  
17 primary principle of bringing about law and order the  
18 operation called for extreme difficulties; nevertheless,  
19 as to Hulunpeirh our object was achieved through good  
20 offices of the Soviet Union and as to Jehol efforts were  
21 made to limit the action within the line of the Great  
22 Wall and observance of this fundamental policy was sternly  
23 requested to the troops in the front at the risk of  
24 suffering considerable operational inconveniences.  
25 There was an occasion when the troops advanced beyond

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1 this limit, but they were immediately ordered to  
2 return and further action was stopped at that. Then  
3 the hostilities were finally settled by the conclusion  
4 of the Tangku Agreement.

5 "I believe that War Minister ARAKI was one  
6 of the persons who were most seriously worried about  
7 the Manchurian Incident. Because of this worry, he had  
8 made a firm determination to settle it, which finally  
9 led to the Tangku Agreement. No sooner had the Agree-  
10 ment been signed than he strove to settle the overall  
11 situation of Japan by adjusting foreign as well as  
12 domestic affairs.

13 "He often told me in those days that he was  
14 devoting his effort toward letting the people live up  
15 to the original teachings of Japan, enhancing by so  
16 doing the virtue of benevolence of His Majesty the  
17 Emperor among the people, and externally, toward im-  
18 proving aggravated international relations by realizing  
19 the already advocated International Peace Conference.

20 "The natives' wishes for the Independence of  
21 Manchoukuo were ardent, when I was appointed the Vice-  
22 Chief of the General Staff. The General Staff did not  
23 on principle interfere with it as it was a political  
24 problem. Minister of War ARAKI assumed the most  
25 prudent attitude toward it. He was in accordance with

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1 the decision of the Government based on the opinion of  
2 the Foreign Office and the real situation. During this  
3 time the General Staff was devoting itself to security  
4 of peace and order there.

5 "The opinion of War Minister ARAKI toward the  
6 League of Nations was quite clear. He fully explained  
7 his opinion at the cabinet meeting and induced the  
8 meeting to the decision that Japan would not withdraw  
9 from the League.

10 "I was under the impression that the War Minister  
11 had been prepared with an opinion with which he hoped  
12 to persuade the League of Nations. It also seemed to me  
13 that the War Minister had had a firm belief of getting  
14 the complete understanding of powers over Japan's  
15 position if once restoration of law and order in Man-  
16 churia were attained which he thought above everything  
17 else.

18 "War Minister ARAKI stressed importance on  
19 quality than on quantity of troops from the viewpoint  
20 of armament. He endeavoured to recover the armament  
21 which had fallen behind since World War I up to that of  
22 other Powers at the time of the War. He had his own  
23 ideal on national defense, which was all based on  
24 morality. He was particularly concerned in promoting  
25 the character and moral standard of the commissioned

officers.

1 "War Minister ARAKI also exerted to calm the  
2 mind of young officers who, indignant at the current  
3 situation, had already caused considerable troubles.  
4 He did his best to develop the immaculate spirit of  
5 those officers without being distorted so that they may  
6 devote their unshattered attention to their duty. While  
7 devoting his whole-hearted attention for this purpose,  
8 he also let his subordinates spare no time in teaching  
9 and guiding the younger officers, and so they began to  
10 show the sign of composure in due course, and at the  
11 occasion of May 15th Incident, it turned out that no  
12 army commissioned officer participated in it."

13 Prosecution may examine this witness, because  
14 I have no further additional questions to ask.

15 THE PRESIDENT: Mr. Comyns Carr.

16 CROSS-EXAMINATION

17 BY MR. COMYNS CARR:

18 Q I have a few questions, General.

19 On page 3 of the affidavit you say "The natives'  
20 wishes for the Independence of Manchoukuo were ardent,"  
21 that the General Staff didn't interfere with it, and  
22 "ARAKI assumed the most prudent attitude toward it."

23 Do you remember being interrogated while you  
24 were in Sugamo?

A No, I do not.

Q Did you say the following: "I had something to do with setting up Manchuria as an Independent State"?

A Well, when you suggest something like that to me I do recall an interrogation, but the meaning is entirely contrary.

Q Did you say "there was an opinion in the Army to take over Manchuria entirely" --

A No, I did not say such a thing at all.

Q --"but I thought that would never clear up the mess, so I offered an advice to the Emperor to set up an Independent State and also offered the same advice to Premier SAITO at that time"?

A Well, let me explain the circumstances and the facts this way: When I went to Manchuria I found Japanese officials holding positions in all quarters. Under such a state of affairs, it would appear as if Japan had occupied Manchuria, and, therefore, I stated emphatically that under such a situation Manchuria could not be properly governed and administered, and that if Manchuria was to be properly governed and if Manchuria was to enjoy real stability, then the administration of Manchuria must be left entirely and in Manchurian hands.

Q Did you say "I felt any occupation of Manchuria by Japan was a violation of the Nine-Power Treaty"?

1           A With regard to treaties, I am a complete lay-  
2 man, but from a layman's intuition I felt that that  
3 would be a violation.

4           Q Now, with regard to Shanghai as to which you  
5 have given evidence, did you say this when you were  
6 being interrogated: "Whilst I was Vice-Chief of Staff,  
7 I went to receive the Emperor's permission on different  
8 matters and especially recalled that I went to get this  
9 permission at the time we sent the 14th Division to  
10 Shanghai"?

11          A What did you mean by that question?

12          Q Did you say that when you were interrogated?

13          A I am quite old and I have already forgotten.  
14 Unless you give me a few more details I won't be able  
15 to explain.

16          Q I will read on. Did you go on to say "When I  
17 went the Emperor first said that he could see no reason  
18 for sending them"?

19          A He did not say that he saw no reason. But,  
20 the Emperor did make the statement to the effect that  
21 "would it be all right, was it necessary to send more  
22 troops?"

23                         THE MONITOR: He made inquiry to that effect.

24          Q Did you say that the Emperor told you that he  
25 felt that with the situation coming back to normal in

1 Shanghai --

2 MR. SUGAWARA: I object to the last question,  
3 your Honor. I see no relevancy when it involves the  
4 Emperor.

5 THE PRESIDENT: The objection is emphatically  
6 overruled.

1           Q   Did you say that the Emperor felt that with  
2         the situation coming back to normal in Shanghai it  
3         was not necessary to send the division there?

4           A   Not so.

5           Q   Do not you know that before even the naval  
6         party was landed in Shanghai the Chinese Mayor had  
7         accepted the whole of the terms demanded by the Jap-  
8         anese Consul General?

9           A   That I do not know.

10          Q   Did you say, "I told the Emperor that they were  
11         already on the move and if they were not to be used in  
12         Shanghai we definitely needed them in Manchuria," and he  
13         finally reluctantly agreed?

14          A   That wasn't the case. There was a war going  
15         on in Shanghai and it was doubted by us whether troops  
16         were needed there or not, and so we took every possible  
17         precaution. But half the troops were on the high seas  
18         and half of them were on the train -- on the move, and  
19         we couldn't stop them, and so it was carried out on the  
20         plan that if they went to Shanghai and they were not  
21         needed in effecting the settlement, then they would be  
22         transferred to Manchuria, where they were lacking in  
23         troops.

25          Q   Did you say that troops were sent three times  
                 to Shanghai?

1           A I don't know whether I said that or not, but  
2 it is a fact that they were sent there three times.

3           Q Did you say that matters like the sovereignty  
4 of China or the treaties guaranteeing it did not enter  
5 into your heads at that time?

6           A No. As a matter of fact, the troops of the  
7 various powers were stationed in North China and  
8 Shanghai, and at that time ideas pertaining to sovereign-  
9 ty were rather superficial, and therefore we hardly  
10 thought about it.

11          Q Well, then, the answer should have been yes,  
12 shouldn't it?

13          A Was the question to the effect that -- Was the  
14 question whether or not we thought of sovereignty?

15          Q Sovereignty or treaties.

16          A We didn't think about it deeply.

17          Q When you said it never entered into your heads,  
18 in the plural, whose head were you thinking of besides  
19 your own?

20          A I am not referring to anybody in particular,  
21 because in so far as the diplomatic affairs were con-  
22 cerned, I was following the direction as laid down by  
23 the government -- by the diplomatic authorities of the  
24 government.

25          Q Didn't you mean ARAKI's head?

A No, ARAKI wouldn't be included in this category because ARAKI of all persons placed extremely great emphasis and importance on international treaties.

Q Did he tell you that this was a breach of them?

A He did not.

Q And he agreed to do it, did he not?

A I think with regard to the dispatch of forces he agreed, because it was a cabinet decision.

Q Now, on page 3 of your affidavit, in the middle, you say the opinion of War Minister ARAKI toward the League of Nations was quite clear, that he fully explained his opinion at the cabinet meeting and induced the meeting to the decision that Japan would not withdraw from the League.

Q Were you present at that cabinet meeting?

A I was not present at the meeting, but what I have stated there and elsewhere in the affidavit is what I have frequently and constantly heard from ARAKI himself.

Q Don't you know the truth is that he expressed the exact opposite opinion at the cabinet meeting?

A That I don't know. I placed my implicit trust in what ARAKI told me. I don't know for myself what took place in the cabinet meeting.

MR. COMYNS CARR: No further questions.

fully explained his opinion at the cabinet meeting and induced the meeting taking decision that Japan would

1. MR. SUGAWARA: There will be no redirect  
2 examination. May the witness be excused?

3 THE PRESIDENT: He is excused on the usual  
4 terms.

5 (Whereupon, the witness was excused.)

6 MR. SUGAWARA: Mr. McManus will continue to  
7 present evidence.

8 THE PRESIDENT: Mr. McManus.

9 MR. McMANUS: I now request that defense docu-  
10 ment 1934 be received into evidence. This is War Min-  
11 ister ARAKI's statement to the 62nd Session of the Diet,  
12 made on June 3, 1932, concerning the uneasiness of resi-  
13 dents of China because of the withdrawal of the Japanese  
14 troops, but which was done nevertheless because of a  
15 desire for peace and fulfillment of treaty obligations.  
16 This document is also tendered for the purpose of showing  
17 that the War Minister deplored the participation of  
18 eleven army cadets in the May 15 Incident.

19 THE PRESIDENT: Mr. Comyns Carr.

20 MR. COMYNS CARR: If your Honor pleases, in  
21 our submission, this document is substantially repeti-  
22 tive and self-serving, and for both the reasons argued  
23 before, the prosecution objects to it.

24 THE PRESIDENT: Is there anything new in it,  
25 Mr. McManus?

1                   MR. McMANUS: Nothing other than what I just  
2 stated, if the Court pleases.

3                   THE PRESIDENT: It appears to be repetitive.

4                   By a majority the Tribunal sustains the objec-  
5 tion and rejects the document as being repetitive.

6                   MR. McMANUS: I now invite the Tribunal's  
7 attention to exhibit 2177 and request that I be per-  
8 mitted to read one question and one answer on page 22  
9 from this document. This document contains the minutes  
10 of the third trial of OKAWA Shumei. I shall now read  
11 the question on page 22:

12                  "Question to OKAWA:

13                  " Were General MASAKI and General ARAKI involved  
14 in the March Incident or the October Incident?

15                  "Answer: No."

16                  I now tender defense document 1869, which  
17 is a stenographic record of the House of Representatives,  
18 62nd Session of the Diet, and tender same for the pur-  
19 pose of showing that it was the decision of the entire  
20 Diet and not that of ARAKI alone to recognize Manchoukuo  
21 as an independent state. This session of the Diet was  
22 held on June 15, 1932.

THE PRESIDENT: Mr. Comyns Carr.

1 MR. COMYNS CARR: May it please the Tribunal,  
2 this is a speech in the Diet by an individual named  
3 KODAMA whom I do not think we have heard of before.  
4 In my submission it is entirely irrelevant to con-  
5 sider whether the Diet did or did not agree with the  
6 policy of the government. The persons charged here  
7 are those in the dock, and the question is whether  
8 they are responsible for it.

9 If my friend desires it, I have no objection  
10 to admitting that the Diet did pass a resolution on  
11 15 June 1932 that the government should recognize  
12 Manchukuo, but the speech of Mr. KODAMA, in my sub-  
13 mission, is a mere waste of time.

14 THE PRESIDENT: Mr. McManus.

15 MR. McMANUS: Yes, your Honor. I wanted to  
16 show that ARAKI did not take any initiative, that it  
17 was the decision of the Diet.

18 I think Mr. Carr's concession will suffice.

19 THE PRESIDENT: You may withdraw the document.

20 MR. McMANUS: Yes, I do so withdraw it.

21 I now tender defense document 2011 which is a  
22 record of the proceedings of the House of Peers of  
23 August 26, 1932. It is an address of State Minister  
24 Count UCHIDA and is tendered to show that it was the  
25

1 will of all the statesmen of Japan to recognize Man-  
2 churian independence and not that of ARAKI alone. It  
3 is also offered for the purpose of disclosing the then  
4 future intentions of Japan toward Manchuria as an  
5 independent state and the explanations for such  
6 recognition.

7 THE PRESIDENT: Mr. Comyns Carr.

8 MR. COMYNS CARR: If it please the Tribunal,  
9 the prosecution objects to this speech by a person who  
10 is not charged. In my submission it cannot help ARAKI  
11 to show that if this be a crime he had partners in  
12 crime other than those in the dock.

13 THE PRESIDENT: Mr. McManus. 28,474

14 MR. McMANUS: I have nothing further to add,  
15 your Honor, except just to submit the document for the  
16 Court's decision.

17 THE PRESIDENT: The objection is sustained  
18 and the document rejected.

19 MR. McMANUS: I now offer defense document  
20 1822, which is a stenographic record of the 64th Session  
21 of the Diet held on March 18, 1933, wherein ARAKI made  
22 a report on the activities of the army concerning the  
23 Jehol Province and wherein he emphatically stated the  
24 nature of these activities was for the purpose of sub-  
25 jugating the bandits under the Japan-Manchukuo Protocol

crime other than those in the dock.

1 wherein he expressly reiterated his desire for a  
2 peaceful settlement of the difficulties and a per-  
3 manent peace for the Orient.  
4

THE PRESIDENT: Mr. Comyns Carr.

5 MR. COMYN S CARR: May it please the Tribunal,  
6 the prosecution has no strong objection to this par-  
7 ticular document, although I cannot recognize my  
8 friend's description of it as being accurate, but in  
9 our submission it adds nothing and is a waste of time.

10 MR. McMANUS: If your Honor pleases, I sug-  
11 gest that your Honor receive it into evidence and  
12 your Honors determine whether or not it is important.

13 THE PRESIDENT: Does it add anything to the  
14 attitude of the accused, ARAKI, as stated by him in  
15 earlier speeches? Is it not repetitive, really?

16 MR. McMANUS: He states several emphatic  
17 points here which do contain some new matter, if the  
18 Court pleases.

19 THE PRESIDENT: There may be some additions  
20 in matters of detail but the general attitude as stated  
21 here is as it was stated earlier. The details are  
22 not material in this particular matter.

23 The Court sustains the objection and rejects  
24 the document as being repetitive.  
25

MR. McMANUS: At this time I should like to

1 call the witness OMORI

2  
3 SOGEN OMORI, called as a witness in be-  
4 half of the defense, being first duly sworn,  
5 testified through Japanese interpreters as  
6 follows:

7 THE PRESIDENT: Mr. Comyns Carr.

8 MR. COMYNS CARR: This affidavit is, in our  
9 submission, so irrelevant that I would like to make  
10 my objection to it before time is taken up by asking  
11 the witness questions about it.

12 THE PRESIDENT: Better let it be tendered in  
13 the usual way, Mr. Carr.

14 MR. COMYNS CARR: If your Honor pleases.

15 DIRECT EXAMINATION

16 BY MR. McMANUS:

17 Q Would you state your name, please?

18 A My name is OMORI, Sogen. My address is  
19 Tojo-In, Toji-In Kitamachi, Kamikyo-Ku, Kyoto.

20 MR. McMANUS: May the witness be shown de-  
21 fense document 1959?

22 Q Mr. OMORI, is this your affidavit?

23 A Yes.

24 Q And are the facts therein true and correct?

25 A Yes, true and correct.

1                   MR. McMANUS: I now tender defense document  
2                   1959, if the Court pleases.

3                   MR. COMYNS CARR: If it please the Tribunal,  
4                   the sole subject of this affidavit is that the witness,  
5                   who is a priest, says that he was invited to take part  
6                   in a plot to assassinate ARAKI by some political  
7                   opponents of his, and that he refused to do so.

8                   THE PRESIDENT: How could that be relevant,  
9                   if that is a fair statement of the contents?

10                  MR. McMANUS: If your Honor pleases, ARAKI  
11                  is charged with being an aggressor, of promoting into  
12                  the minds of young officers ideas of aggression, and  
13                  promoting world domination. I claim, if your Honor  
14                  pleases, that this will show that he followed a middle-  
15                  of-the-road attitude and he was not an aggressor at  
16                  all, even to such --

17                  THE PRESIDENT: In other words, this witness'  
18                  opinion is that ARAKI is not an aggressor. He in  
19                  effect swears the issue for us, and we solemnly listen  
20                  to him.

21                  MR. McMANUS: Your Honor, this witness does  
22                  not give his opinion. He states a set of facts from  
23                  which your Honor can draw your conclusions.

24                  THE PRESIDENT: The only conclusion that we  
25                  are invited to draw is that this witness does not think

1 ARAKI was an aggressor, and therefore would not take  
2 part in his assassination. I have not read the whole  
3 of the affidavit, but I am taking it that Mr. Carr's  
4 statement, which is not contradicted, is correct.

5 MR. McMANUS: If the Tribunal pleases, I call  
6 your earnest attention to page 2, paragraph 2. There  
7 is a clear expression of facts there.

8 THE PRESIDENT: By a majority, on my casting  
9 vote, the objection is upheld and the document re-  
10 jected.

11 MARSHAL OF THE COURT: Is it desired, Mr.  
12 President, that the witness be discharged?

13 THE PRESIDENT: Did you apply to have him  
14 discharged?

15 MR. McMANUS: I so apply, if the Court  
16 pleases.

17 THE PRESIDENT: He is discharged on the  
18 usual terms.

19 (Whereupon, the witness was excused.)

20 MR. McMANUS: I now request that the witness  
21 TODOROKI be called, please.

22 THE PRESIDENT: What is the number of this  
23 document?

24 MR. McMANUS: 2519.  
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SAKAE TODOROKI, called as a witness on  
behalf of the defense, being first duly sworn,  
testified through Japanese interpreters as  
follows:

## DIRECT EXAMINATION

BY MR. McMANUS:

Q Would you state your full name, please.

A TODOROKI, Sakae.

MR. McMANUS: May the witness be shown de-  
fense document 2519, please.(Whereupon, a document was handed  
to the witness.)Q Would you tell this Tribunal whether or not  
that is your affidavit.

A This is my affidavit.

Q Are the facts contained therein true and  
correct?

A Yes.

MR. McMANUS: I now tender document 2519,  
if the Tribunal pleases.MR. COMYNS CARR: If the Tribunal please,  
the prosecution objects to this affidavit in toto.  
The witness was a newspaper reporter, and the affi-  
davit consists partly of evidence as to ARAKI's  
general character, partly of the witness' and other

1 persons' opinions about a considerable number of  
2 matters, and partly of newspaper gossip of a general  
3 kind. So far as it contains any facts, they are re-  
4 petitive.

5 As to that part of it which consists of a  
6 testimonial to the character of the accused ARAKI,  
7 in our submission, before a Tribunal such as this  
8 and at this stage of the proceedings, such evidence  
9 is useless and should be rejected.

10 THE PRESIDENT: This matter came up in  
11 Chambers, and I pointed out to Major Furness, I  
12 think, what the position would be in a British court.  
13 Technically, you can receive evidence of general  
14 character on the question of guilt or innocence, but  
15 I have never known it to be done. But, no doubt,  
16 it has been done at times, and it is an open ques-  
17 tion as to whether we should receive character evi-  
18 dence here, but I do understand the majority are  
19 opposed to it. I may be wrong.  
20

21 Yes.

22 MR. COMYNS CARR: Your Honor, with regard  
23 to that point, might I add that, in my experience,  
24 when it is received at all, it is confined to the  
25 single question: What is the reputation of the  
accused amongst his neighbors? This, and particu-

larly some other affidavits of the same kind which  
1 are on the list go into a great deal of detail.  
2

3 MR. McMANUS: If the Tribunal pleases, I  
4 was aware of your Honor's ruling concerning -- your  
5 Honor's views concerning the acceptance of character  
6 testimony. However, it was just an impossible task  
7 to take the particular phrases out of these affidav-  
8 its. Some reference is made to his character, but  
9 it is not the crux of the affidavit, if the Court  
10 pleases.

11 THE PRESIDENT: By a majority, the objection  
12 is sustained and the whole document rejected.

13 (Whereupon, the witness was ex-  
14 cused.)

15 MR. McMANUS: At this time, if the Court  
16 pleases, I should like to call the witness NAKAMURA.  
17

18 THE PRESIDENT: What is the number of that  
19 document, Mr. McManus?

20 MR. McMANUS: 2132.  
21 - - -  
22  
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KAZU NAKAMURA, called as a witness on  
behalf of the defense, being first duly sworn,  
testified through Japanese interpreters as  
follows:

## DIRECT EXAMINATION

BY MR. McMANUS:

Q Would you state your full name, please.

A NAKAMURA, Kazu.

MR. McMANUS: May the witness be shown de-  
fense document 2132?

(Whereupon, a document was handed

to the witness.)

Q Will you tell this Tribunal whether or not  
this is your affidavit.

A Yes, it is.

Q Are the facts contained therein true and  
correct?

A Yes, it is correct.

MR. McMANUS: I tender document 2132, if  
the Tribunal pleases.MR. COMYNS CARR: Prosecution objects to  
this affidavit as a whole on grounds similar to the  
last. It consists of the opinion of the witness and  
the alleged opinion of a number of other persons as  
to ARAKI's character and other topics; and, so far

1 as it contains any matter of fact at all, it relates  
2 primarily to the activities of the witness, himself,  
3 and a person named MATSUKATA and hardly at all to  
4 anything done by ARAKI. There is one passage in  
5 which the witness deposes to the correctness of a  
6 report of a speech made by ARAKI. As to that --  
7 two speeches -- we shall object on the ground of  
8 irrelevancy, but we should not challenge their  
9 authenticity.

10 MR. McMANUS: If your Honor pleases, this  
11 is a very important document in my opinion. It goes  
12 to show that this witness conducted a summer school,  
13 and he requested General ARAKI on sev. 1 occasions  
14 to make speeches. He heard the speeches; he knows  
15 about them; he can tell you whether or not -- the  
16 reason why he invited him there and whether or not  
17 he inculcated into the minds of people ideas of  
18 aggression.  
19

20 THE PRESIDENT: This may be an excellent  
21 character witness in a certain event. A majority  
22 sustains the objection and rejects the document.  
23 We will recess for fifteen minutes.  
24

25 (Whereupon, at 1445, a recess was  
taken until 1500, after which the proceedings were resumed as follows:)

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1                   MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.  
3                   MR. McMANUS: I believe your Honor has rejected  
4 the affidavit of the witness in the box now so I shall  
5 request that he be excused on the usual terms.  
6                   THE PRESIDENT: He is excused accordingly.  
7                   (Whereupon, the witness was excused.)  
8                   MR. McMANUS: I now request that the witness  
9 ARITA be called, whose affidavit is document No. 1956.  
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1 H A C H I R O   A R I T A ,   called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. McMANUS:

6 Q Will you state your full name, please?

7 A ARITA, Hachiro.

8 MR. McMANUS: May the witness be shown defense  
9 document No. 1956?

10 Q Will you tell this Tribunal whether or not  
11 that is your affidavit?

12 A This is my affidavit.

13 Q Are the facts therein true and correct?

14 A Yes.

15 MR. McMANUS: I tender document No. 1956.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Defense document No. 1956  
18 will receive exhibit No. 3169.

19 (Whereupon, the document above  
20 referred to was marked defense exhibit  
21 No. 3169 and received in evidence.)

22 MR. McMANUS: I shall proceed to read exhibit  
23 3169:

24 "Having first duly sworn an oath as on attached  
25 sheet and in accordance with the procedure followed in

ARITA

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1 my country I hereby depose as follows.

2 "AFFIDAVIT

3 "ARITA, Hachiro.

4 "1. My career: Vice-Minister of Foreign  
5 Affairs to the SAITO cabinet. Minister of Foreign  
6 Affairs to the first KONO cabinet. Minister of  
7 Foreign Affairs to the HIRANUMA cabinet. Minister  
8 of Foreign Affairs to the YONAI cabinet.

9 "2. Relations to Mr. ARAKI: During the  
10 time of the SAITO cabinet when Mr. ARAKI was Minister  
11 of War, I was Vice-Minister of Foreign Affairs and at  
12 the time of both the first KONO cabinet and the  
13 HIRANUMA cabinet I was a cabinet minister with  
14 Mr. ARAKI who took the office of the Minister of  
15 Education. During the YONAI cabinet Mr. ARAKI was  
16 Cabinet Councillor, and I was Minister of Foreign  
17 Affairs. After that both of us did not take any pub-  
18 lic office, but we met often at private parties.  
19

20 "3. Five Ministers' Conference and Mr. ARAKI:  
21 "It was in the later period of the cabinet  
22 that I took the office of Minister of Foreign Affairs  
23 to the first KONO cabinet.

24 "This cabinet held Five Ministers' Conferences,  
25 consisting of Prime, War, Naval, Foreign and Financial  
Ministers, for the purpose of debating on the important

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affairs of the situation; for instance, the problem  
of a reenforcement of the Anti-Comintern Agreement  
Pact (or the so-called Tripartite Alliance) was dis-  
cussed at one of these conferences. But Mr. ARAKI  
of course did not attend the Five Ministers' Confer-  
ences because he was Minister of Education.

"4. Mr. ARAKI occupied the office of the  
chairman of the committee of the General Spiritual  
Mobilization, because his official position of Minister  
of Education was closely connected with the national  
spiritual field, and so far as I remember he was  
appointed in the same way as ex officio.

"5. Mr. ARAKI and Japan-German Cultural  
Agreement: Japan had entered into a cultural agree-  
ment with Germany and Italy, and this kind of agree-  
ment was intended to be concluded but with as many  
other countries as possible. Therefore Japan entered  
into a cultural agreement with Hungary, Brazil and  
Siam besides the above-mentioned countries.

"Although there was not an existing agree-  
ment, Japan carried out the various culture exchanges  
with Poland, Portugal, Argentine and Belgium.

"As for the United States of America, Japan  
held an old Japanese fine arts exhibition in the Inter-  
national Exhibition at San Francisco. As these

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1 agreements were cultural problems aiming at culture  
2 exchange in the world, as to the conclusion of an  
3 agreement and its enforcement the Foreign Office  
4 always conferred with the Ministry of Education.  
5 The business mainly consists of exhibition of fine  
6 arts and industrial arts and exchange of students  
7 and professors.

8 "Mr. ARAKI, Minister of Education, insisted  
9 on an exchange of culture of the wide world, empha-  
10 sizing that it should not be limited to Germany and  
11 Italy alone and the Foreign Office had the same  
12 opinion with him.

13 "6. Mr. ARAKI and the Tripartite Alliance:

14 "I heard many times at several private meet-  
15 ings that Mr. ARAKI had disagreed to the Tripartite  
16 Alliance and various kinds of control.

17 "At the resignation of the HIRANUMA cabinet  
18 due to Tripartite Alliance issue, Mr. ARAKI was con-  
19 sidered one of the most agreeable successors to the  
20 head of the following cabinet, together with General  
21 ABE, Nobuyuki and Mr. IKEDA, Seihin. One of the  
22 principal reasons that Mr. ARAKI was pointed out as  
23 prospective successor was that he had such an opinion  
24 regarding the Tripartite Alliance as I stated above.

25 "On this 22 day of March 1947 at Tokyo.

"Deponent ARITA, Hachiro."

1 THE PRESIDENT: Mr. Comyns Carr.

2 CROSS-EXAMINATION

3 BY MR. COMYNS CARR:

4 Q Mr. ARITA, you say that various matters  
5 were brought before Five Ministers' Conferences  
6 which Mr. ARAKI as Education Minister did not attend.  
7 Was it not necessary for the decisions at all of  
8 those Five Ministers' Conferences to be brought  
9 before the cabinet for their approval before they  
10 could be put into effect?

11 A Of course, to carry into effect or to give  
12 effect to any decisions of the Five Ministers'  
13 Conference they would have to be weighed by the  
14 entire cabinet.

15 Q And were not the facts as to the negotiations  
16 with Germany and Italy in 1938 and 1939, in fact, well  
17 known to other cabinet ministers including ARAKI as  
18 well as to the five ministers?

19 A I have stated in my affidavit that Mr. ARAKI  
20 was not a member of the Five Ministers' Conference.

21 Q Do you think that is an answer to my ques-  
22 tion?

23 A I have only replied to part of the question.  
24 If members of the cabinet other than those

1 who were members of the Five Ministers' Conference  
2 were aware or familiar with the discussions held at  
3 the Five Ministers' Conference then that particular  
4 minister could not have heard that officially. He  
5 could only have heard of it informally through some  
6 other member or some other person familiar with the  
7 discussions.

8 Q In the last paragraph of your affidavit  
9 you say that after the resignation of the HIRANUMA  
10 cabinet Mr. ARAKI was thought of as a possible successor  
11 because he was known to be opposed to the negotiations  
12 for the Tripartite Alliance. How could that be if  
13 he did not know all about those negotiations?

14 A I do not think ARAKI was familiar with all  
15 the details discussed at the Five Ministers' Confer-  
16 ence. However, with regard to the proposed Tri-  
17 partite Alliance, the subject was not only discussed  
18 at the Five Ministers' Conference but was widely dis-  
19 cussed in public at the time, whether that Tripartite  
20 Alliance should be approved or not -- was good or not.

21 Q But was it not also discussed in the cabinet?

22 A Not once was there an official discussion  
23 of this subject at the cabinet meeting.

24 Q Were there unofficial discussions?

25 A Not even unofficially.

1       Q   Was there not a compromise arrived at in  
2 May or June 1939 on the question whether the pro-  
3 posed alliance should commit Japan to military action  
4 in support of Germany and Italy as against countries  
5 with whom they might be at war other than Russia?

6       A   Yes, such matters were discussed at the  
7 Five Ministers' Conference.

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1 Q I suggest to you that they were also dis-  
2 cussed at the Cabinet conferences and that all agreed  
3 on the compromise.

4 A Never has a discussion of the Five Ministers  
5 Conference been reported to the Cabinet and there  
6 debated.

7 Q If Mr. ARAKI himself has told us in his inter-  
8 rogation, exhibit 2218, that questions of foreign policy  
9 were reported from the Five Ministers Conferences to  
10 the Cabinet and there decided upon, is he wrong?

11 A As I have said before, I do not recollect  
12 any decision made by the Five Minister Conference ever  
13 being reported to the cabinet as a whole. .

14 Q Now let us get a little clearer what was  
15 the matter in dispute. First of all, was it not  
16 agreed by all the members of the Five Ministers Con-  
17 ference and of the Cabinet that Japan should enter  
18 into a treaty with Germany and Italy by which she  
19 was bound to give them military support if they be-  
20 came involved in a war with Russia?

21 A No such decision was ever made by the Cab-  
22 inet.

23 Q Was it made by the Five Ministers Conference?

24 A It is very difficult for me to speak of the  
25 problem which was discussed very simply, inasmuch as

from the Spring through the Summer of 1939 this question was discussed on many, many occasions by the Five Ministers Conference and was a problem which was extremely perplexing and complicated.

Q But that is quite a simple question, isn't it?

A I am rather hesitant as to making any definite reply because I might possibly make a mistake in making a reply. I say this because I hardly expected that the details of the Tripartite Alliance would be discussed today at this Tribunal -- the relation between the Five Minister Conference and the Tripartite Alliance.

Q Did you know the late Baron HARADA?

A Yes. Well.

Q And did you frequently, throughout this year 1939, report to him for the information of Prince SAIONJI exactly what had been discussed and what had been decided?

A No, I have never made any report to Prince SAIONJI myself, but I have on many occasions given information to Baron HARADA which he might use in reporting on diplomatic and political developments which he might report to Prince SAIONJI, at Baron HARADA'S request.

from the Spring through the Summer of 1939 this question was discussed on many, many occasions by the Five Ministers Conference and was a problem which was extremely perplexing and complicated.

Q But that is quite a simple question, isn't it?

A I am rather hesitant as to making any definite reply because I might possibly make a mistake in making a reply. I say this because I hardly expected that the details of the Tripartite Alliance would be discussed today at this Tribunal -- the relation between the Five Minister Conference and the Tripartite Alliance.

Q Did you know the late Baron HARADA?

A Yes. Well.

Q And did you frequently, throughout this year 1939, report to him for the information of Prince SAIONJI exactly what had been discussed and what had been decided?

A No, I have never made any report to Prince SAIONJI myself, but I have on many occasions given information to Baron HARADA which he might use in reporting on diplomatic and political developments which he might report to Prince SAIONJI, at Baron HARADA'S request.

Q Now, was not the point in dispute this:  
1 Whether the Treaty should include an undertaking  
2 by which Japan would give military support to Germany  
3 and Italy in the event of their being involved in a  
4 war with some country other than Russia?

A I do not recall the exact phraseology or  
6 the words used at the time, but generally, I think  
7 it was so.

Q And were not HIRANUMA, the Prime Minister, and  
9 ITAGAKI, the War Minister, and OSHIMA, the Ambassador  
10 in Germany, all in favor of agreeing to give such  
11 support;---

MR. WARREN: I wish to object to that as calling  
13 for a conclusion of the witness. I represent  
14 HIRANUMA in this instance.

THE PRESIDENT: The objection is overruled.

Q ---on the other hand, was it not opposed by  
17 Admiral YONAI and yourself?

A Yes, it is a fact that I and the then Navy  
19 Minister YONAI were opposed.

Q At the time Prime Minister HIRANUMA was  
21 given the Imperial command to form a cabinet succeeding  
22 to that of Prince KONOYE, I was called by Prince  
23 KONOYE to concede to my remaining in office as Foreign  
24 Minister.

1                   MR. WARREN: If the Court please, I would  
2 like to object to this line of questioning for the fur-  
3 ther reason that apparently they are now stepping out-  
4 side of the matter contained in the affidavit -- at  
5 least, as I interpret it, they are -- and for the  
6 further reason, as I understood a previous ruling of  
7 the Tribunal, this type of questioning being an attempt  
8 to go into the case of another accused, would not be  
9 permitted in these individual phases in this manner.

10                  THE PRESIDENT: We placed no limitation of  
11 that nature on the cross-examination. This matter  
12 seems to be well within the scope of the affidavit.

13                  The objection is overruled.

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1        Q Was not a compromise arrived at that, in the  
2        event of Germany or Italy being at war with a country  
3        other than Russia, Japan would give political and  
4        economic support to them and military aid if possible,  
5        but that it should be explained to them that it would  
6        not be possible to give effective military aid?

A        There were compromise plans on at least two  
7        occasions. The compromise was not limited to one only.

Q        Was not this the compromise which was adopted  
9        round about the 4th of May, 1939?

11       A As I have said before, since I had made no  
12       preparations to discuss the details of these discus-  
13       sions or negotiations I am afraid I could not give you  
14       an accurate reply.

15       Q And was not that compromise made known to all  
16       the members of the Cabinet and to the chief secretary?

17       A I do not think that was the case.

18       Q And were they not all prepared to agree to it  
19       including ARAKI?

20       A Inasmuch as the decision of the Five Ministers  
21       Conference was not reported to the Cabinet as a whole,  
22       there could not have been the possibility of the Cabinet  
23       approving it.

25       Q Was it not put into a draft in that form and  
sent to Germany?

1           A I cannot say whether the draft plan as just  
2         read to me was sent just as it was; but it was as a  
3         matter of course that a compromise plan somewhat to  
4         that effect was communicated to the representative in  
5         the field.

6           Q Now, do you say that the matter was allowed  
7         to get to the stage of a draft treaty to which Japan  
8         would be committed if the other side accepted it,  
9         and that that was done without the knowledge of all  
10        the members of the Cabinet?

11          A To every extent the discussion of this subject  
12         matter was limited to the Five Ministers Conference  
13         discussion. It was entirely in the preparatory state,  
14         and only after some arrangement was reached between  
15         Japan and Germany or the other party, then the matter  
16         was to be submitted to the Cabinet for its approval,  
17         and only thereafter would the treaty be formally  
18         signed.

19          Q Let me ask you: You told us that you did  
20         consult with Baron HARADA and discuss matters with him  
21         from time to time. Was that because you knew that  
22         Baron HARADA as Prince SAIONJI's secretary was the  
23         channel through which SAIONJI would give direct advice  
24         to the Emperor?

25          A I do not know whether or not Prince SAIONJI

1 ever expressed opinions on diplomatic questions  
2 directly to the Emperor. However, when any cabinet  
3 changes took place it was Prince SAIONJI's responsi-  
4 bility to recommend the succeeding cabinet and also  
5 necessary for him to have correct information with  
6 regard to the movements -- political and diplomatic  
7 movements.

8 Q And wasn't that the reason why all the  
9 various ministers and people who wanted to be ministers  
10 were anxious to let HARADA know their views in order  
11 to increase their position in the eyes of Prince  
12 SAOINJI?

13 A I do not know what others felt or thought.

14 Q Wasn't that your reason?

15 A I had not one iota of thought of trying to  
16 increase my own position or better my own position.

17 Q Now, let's turn to the question of the  
18 alliance. Was not the **draft** which you told me was  
19 drawn up as a result of the compromise in May rejected  
20 by the Germans because they had an alternative draft  
21 which they preferred?

22 A I do not know whether or not they actually  
23 rejected the Japanese offer, proposal, but an alterna-  
24 tive plan was submitted by the Germans.

25 Q Yes. And was not a new agreement reached

1           between the various parties taking part in the dis-  
2           cussion in Japan on the 5th of June as to the manner  
3           of handling that proposal?

4           A    I do not remember the date exactly, but the  
5           German draft was discussed by the Five Ministers  
6           Conference.

7           Q    Now, isn't it the fact that the differences  
8           of opinion within the Cabinet on this and other ques-  
9           tions were such that the HIRANUMA Cabinet would have  
10          collapsed even if Germany had not signed the non-  
11          aggression pact with Russia?

12          THE PRESIDENT: Mr. Carr, how will the answer  
13          to that question help us, assuming it is what you  
14          anticipate?

15          MR. COMYNS CARR: Possibly not. Possibly it  
16          isn't worth pursuing, your Honor. In that case I will  
17          not ask any further questions.

18          THE PRESIDENT: You are for the accused  
19          OSHIMA, Mr. SHIMANOUCHI?

20          MR. SHIMANOUCHI: I should like to conduct a  
21          cross-examination on behalf of the accused OSHIMA.

22          MR. COMYNS CARR: Your Honor, I am not aware  
23          that the witness has said anything against the accused  
24          OSHIMA. I put to him a question, but I didn't under-  
25          stand the witness to agree with what I was suggesting.

1           THE PRESIDENT: I do not recollect any  
2 adverse answer. His name was bracketed with that of  
3 the accused HIRANUMA and another name that I have  
4 forgotten.

ARITA

1                   MR. USAMI: If the Tribunal please, as  
2 counsel for HIRANUMA, I desire to re-examine this  
3 witness on matters concerning HIRANUMA and which  
4 occurred during the cross-examination of my friend.

5                   THE PRESIDENT: Matters left obscure. But why  
6 shouldn't Mr. McManus conduct the re-examination?

7                   If nothing has been left obscure by the cross-  
8 examination in relation to HIRANUMA, what is the scope  
9 for re-examination, assuming you have the right?

10                  MR. USAMI: The witness started to answer,  
11 to tell the Court, that at the time of the formation  
12 of the HIRANUMA Cabinet, the witness had a talk with  
13 Mr. HIRANUMA, and the witness answered so far and my co-  
14 counsel, Mr. Warren, came to the lectern and put an  
15 objection.

16                  THE PRESIDENT: If something hostile to the  
17 accused HIRANUMA was said, you are entitled to cross-  
18 examine. If something was left obscure in relation  
19 to HIRANUMA, you are entitled to re-examine. Now,  
20 what was hostile or what was obscure?

21                  MR. USAMI: Nothing said hostile to HIRANUMA  
22 by this witness, but he started to tell a story about  
23 a talk he had with HIRANUMA at the time of the formation  
24 of HIRANUMA Cabinet. He could not finish his story  
25 because of my co-counsel's objection, and that story

1 I want the witness to continue and finish. That is  
2 the only thing I should like to hear.

3 THE PRESIDENT: It may be a very interesting  
4 story, but you can have it completed only if something  
5 hostile was said about HIRANUMA or something left  
6 obscure about him, and you can't suggest either and  
7 you have no right to the lectern.

8 MR. USAMI: With all due respect to the Tri-  
9 bunal, I think the testimony half finished leaves the  
10 matter very obscure.

11 THE PRESIDENT: What was left obscure? I am  
12 open to listen to you. I do not want to shut you out.  
13 But you will not tell me what was left obscure.

14 MR. COMYNS CARR: Your Honor, my friend says --  
15 I do not know if it is right -- that the witness was  
16 prevented from completing the story by the interven-  
17 tion of his co-counsel for HIRANUMA. He certainly  
18 was not prevented by me.

19 THE PRESIDENT: Nor by the Tribunal. That  
20 could have happened only if the objection were upheld,  
21 and it was overruled.

22 The discussion is closed. You are not  
23 entitled to re-examine or cross-examine.

24 Mr. McManus.

25 MR. McMANUS: I have no other questions, if

the Court pleases, and I therefore request that the witness be permitted to stand down.

THE PRESIDENT: The witness is excused on  
the usual terms.

(Whereupon, the witness was excused.)

MR. McMANUS: I now request to call the witness ISHIWATA; document 2138.

- 3 -

1 S O T A R O I S H I W A T A , called as a witness  
2 on behalf of the defense, being first duly  
3 sworn, testified through Japanese interpreters  
4 as follows:

## 5 DIRECT EXAMINATION

6 BY MR. McMANUS:

7 Q Will you state your full name, please?

8 A ISHIWATA, Sotaro.

9 MR. McMANUS: May the witness be shown  
10 document 2138.11 Q Would you please tell this Tribunal whether  
12 or not that is your affidavit?

13 A This is my affidavit.

14 Q Are the facts contained therein true and  
15 correct?

16 A Yes, true and correct.

17 MR. McMANUS: I now tender document 2138,  
18 if the Court pleases.

19 THE PRESIDENT Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document No. 2138  
21 will receive exhibit No. 3170.22 (Whereupon, the document above  
23 referred to was marked defense exhibit  
24 No. 3170 and received in evidence.)

25 MR. McMANUS: I shall now read exhibit No. 3170

1 "Deponent: ISHIWATA, Sotaro.

2 "I, ISHIWATA, Sotaro, make oath and say as  
3 follows:

4 "My address is No. 455 Seijo-machi,  
5 Setagaya-ku, Tokyo."

6 THE PRESIDENT: In future, Mr. McManus,  
7 omit that because he has already stated that on oath.

8 MR. McMANUS: All right.

9 THE PRESIDENT: It will appear in the transcript  
10 twice now.

11 MR. McMANUS: (Continuing) "From January  
12 until August 1939 and from February 1944 until February  
13 1945, I was Minister of Finance; from January until  
14 July 1940 and from February until April 1945, I was  
15 Chief Secretary of the Cabinet; from April until October  
16 1941, I was Chief of the General Affairs in the  
17 Imperial Rule Assistance Association; and from June  
18 1945 until January 1946, I was Minister of the Imperia.  
19 Household.

20 "In July 1941 while I was Chief of the General  
21 Affairs in the Imperial Rule Assistance Association  
22 (my resignation of the office was effected by the  
23 appearance of the TOJO Cabinet) I was requested by  
24 the Kokumin Press people to have a table talk with a  
25 certain person who would be chosen by me as the most

suitable of the several persons suggested by them.

"I replied to them that General ARAKI was the best partner to talk with if he would accept it, because I knew him to have an intention of non-expansion of the China Incident and also I knew him not to agree to the Italo-German-Japanese Alliance, which intentions he expressed to me many times.

"I understood that their idea was to make my talk a feature with General ARAKI's opinion inserted at several points.

"About the end of July, I remember, we five, that is, General ARAKI and I, two from the Kokumin Press and a scribe (he did not take down in shorthand) met together at the Hokusui, a restaurant in Akasaka, sometime around six o'clock in the evening.

"Most of the talk which lasted two hours was occupied by General ARAKI, I remember, who told his reminiscences at the time of the Siberian Expedition more than two decades before, when he was a field soldier. Most of it I heard for the first time and was much interested. The journalists, however, were much puzzled because it was not a conversation and could not be made an intended article.

"Therefore they asked me later to agree to their making an article of their own composition out

of the talk.

"So I replied that it might be inevitable to alter the talk but that they must be very careful not to create a story from it lest it should cause any trouble.

"But the Article published in the paper was far different from the talk which we had that evening; my talk was increased much more than I did and General ARAKI's was omitted more than half.

"Besides the dictation done at that evening was not very good and I remember that many parts of that article in the paper were not clear to me.

"Especially on that evening General ARAKI compared the situation at the time of the Siberian Expedition with that of the current time (1941) and deplored the government for not having any definite policy of unifying the army and the navy, and then he worried deeply over the future of the nation.

"So far as I remember, the gist of his opinion was that the government should act under principles based on the great cause of justice and make final decision in carrying out the schemes planned by the army and the navy without their interference.

"But an article could not be permitted to appear in the newspapers stating ill of the army and

1 the navy and the government under the circumstances  
2 of that time (1941); therefore any opinion conflicting  
3 with them was stuck out or shaded off by the editors.  
4 Consequently the article in the paper resulted in an  
5 incoherence.

6 "General ARAKI after he resigned from the  
7 post of Minister of Education in the HIRANUMA Cabinet  
8 in 1939, I observed conspicuously refrained from  
9 facing the public and was noted as a recluse from  
10 current events of the time. At the same time, the  
11 army authorities were opposed to him.

12 "In the HIRANUMA Cabinet, Mr. ARAKI and I were  
13 cabinet colleagues, I being Minister of Finance.  
14 At that time the Five-Ministers Conference discussed  
15 current problems, chiefly foreign issues, and made  
16 decisions. Therefore, Minister of Education ARAKI  
17 did not participate in it at all. As to the Nomonhan  
18 Incident, even I was reported after its occurrence."

19 THE PRESIDENT: That is "informed" I think.

20 MR. McMANUS: (Continuing) "When the YONAI  
21 Cabinet was being formed, I made an earnest appeal  
22 to General ARAKI to take the office of the Minister  
23 of Home Affairs by order of Admiral YONAI, as the  
24 General was considered a man of self-respect, but he  
25 declined it on the grounds that he could not render

any service as the currents of the time were against him.

"As the situation at the time of the table talk was more critical than the time when the YONAI Cabinet was formed, General ARAKI's gravest anxiety with which he thought why the government did not establish a strong policy to suppress the army and the navy and work out a plan for the security of the nation, was manifested on the pretext of his old story of the Siberian Expedition, as far as I can recollect.

"Under the various circumstances mentioned before, the article that appeared in the paper was much distorted and confusing and did not depict what General ARAKI's talk actually was."

THE PRESIDENT: Mr. Comyns Carr.

MR. COMYNS CARR: If it please the Tribunal, the prosecution does not desire to cross-examine, but the reference, in case the Tribunal wanted it, to the newspaper article which the witness was discussing, was exhibit 667 at page 7309.

MR. McMANUS: May the witness be excused?

THE PRESIDENT: He is excused accordingly.

(Whereupon, the witness was excused.)

THE PRESIDENT: Will you finish tomorrow,

Mr. McManus?

1                   MR. McMANUS: Possibly, your Honor. I will  
2 do my best.

3                   THE PRESIDENT: We will adjourn until  
4 half-past nine tomorrow morning.

5                   (Whereupon, at 1600, an adjournment  
6 was taken until Tuesday, 16 September 1947,  
7 at 0930.)

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